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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of January 11, 1979

NEXT MEETING: Thursday,
January 25, 1979
9:15 A.M.

Commission Room, Third Floor
Main Library, Civic Center

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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Carlota del Portillo, Sister Bernadette Giles, Antonio Grafilo, Phyllis Lyon, Enola Maxwell, John Morrissey, Donna Solomon, Nadim Zarour.

Excused: Rev. W.R. Drummer, Rabbi Alvin Fine, Sylvester Herring, Caryl Mezey, Dan Silva.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Luis Escobar, Alberta Grant, Don Hesse, Joe Meza, Gail Roberts, Emmett Rosebrough, Essie Thomas, David Treanor.

COMMUNICATIONS

- To Alice Lytle, Chief, Fair Employment Practice Commission, State Department of Industrial Relations, from Grant Mickins, confirming her presentation scheduled for the HRC's December 14, 1978 meeting.

- From Donald Blair, Job Developer, Potrero Hill Affirmative Action Program, expressing concern that the HRC be a part of the bidding process during the pre-award stage of City and County contracts.

- From J.L. Howard, Director, Western Addition Center for Alcoholic Problems requesting a letter from the HRC that would acknowledge a "working relationship" between it and the WACAP in connection with a proposal WACAP is writing.

- From J.B. Fottrell, District Staff Manager, Pacific Telephone, informing that a new job assignment will make it impossible for him to continue to serve on the HRC's Employment Committee, and commending Glen Seaburg of Pacific Telephone as his replacement. Mr. Fottrell, long an active member of the Employment Committee, will be written an expression of the HRC's gratitude for his service.

- To Bartlett D. Dickson, Executive Manager, San Francisco Electrical Contractors Association, Inc., from Chairperson Yamakawa, informing that his request for HRC adoption of the federal government's definition of "socially and economically disadvantaged" Minority Business Enterprise into its program is being referred to the contract compliance staff for research and recommendation.

- From Eunice Elton, Director, Mayor's Office of Employment and Training, expressing concern about the potential "massive" workload entailed for the HRC in its intention to implement the right of prior approval of City contracts before they are let, with a suggestion that her office work with the HRC to develop in advance language for inclusion in their contracts which would have HRC prior approval.

- From George L. Newkirk, President, San Francisco Black Leadership Forum, a copy of a letter sent to Ruth Kadish, President, Airports Commission, with copies to all members of that commission plus major City officials, San Francisco legislators in Washington, both California senators, and Supervisor Ella Hill Hutch, requesting a meeting with the Airport Commissioners to discuss the San Francisco airport's affirmative action "or lack thereof as it relates to (awarding contracts and leases) minority business enterprises."

- From Ms. Chris Beckham, Secretary, Tucson Human Relations Commission, requesting information on ideas or projects that the HRC has been involved in considered to have been most effective in the fight against prejudice.

- From J. Peter Singer, Deputy Director of Airports, Business and Finance, Airports Commission, announcing that the Commission has authorized a call for bids for the award of six concession agreements for operation of automobile rental service at San Francisco International Airport, and enclosing a copy of the contract documents.

- From Hans Wachsmuth, Williams & Burrows, Inc., for Associated General Contractors (by Lon Hanke) a copy of a letter to Stanley M. Smith, Secretary/Treasurer, San Francisco Building and Construction Trades Council, and Rufus Garrett, Bayview-Hunter's Point Model Cities Agency, with copies to eight AGC crafts unions, the Wastewater Projects Coordinator, and the Redevelopment Agency, announcing review and approval of the Memorandum of Agreement of November 25, 1978, by the AGC San Francisco District Board of Directors, and announcing that it is ready to sign the Agreement.

- The HRC's Contract Compliance Officer Stanley Lim made a full-scale status report on the Memorandum of Agreement at the HRC's November 9 regular meeting. The Agreement, drawn up in 1970 largely at the suggestion of and with active participation by the HRC, between the AGC, the San Francisco Building and Construction Trades Council, and the Bayview-Hunter's Point area. It had been due to expire November 25, 1978, and Mr. Lim had reported the announced intention of the building trades signators to "re-negotiate and/or terminate the Agreement in its entirety."

Mr. Mickins said the major problems that were present November 9 have been resolved, and that the Agreement stipulation for 50% residency employment will be retained for a 90-day period, after which the administrative committee which is part of the Agreement will review work statistics to see if the 50% requirement should be lowered. The HRC remains in its seven-year role as observer and advisor to the Agreement.

DIRECTOR'S REPORT

- The HRC and the 1979-1980 Budget Process.

Mr. Mickins presented a detailed explanation and analysis of the budget process, supported by chart statistics provided each Commissioner.

He announced that the Mayor's Office has issued a directive to all City departments that no more than 83% of the current year's budget can be guaranteed. Because of the possibility of "bail-out" monies from the state (which occurred after passage of Proposition 13 in June of 1978), or revenue from other sources, however, each department had been instructed to provide hypothetical budget requests, adding "incremental" amounts of 5%, 4%, and 3% to the base 83%.

The 1978-1979 operating budget for the HRC was $317,487. A budget 83% of this would be $268,621, or $78,924 less; a budget of 88% would total $282,993, or $64,570 less; a budget of 92% would total $294,491, or $53,072 less; and a budget of 95%, $303,114, or $44,449. The Mayor's Office will not accept a 100% budget request. These figures, drawn up by the HRC Director and Office Manager, are based on guidelines from the Mayor's Office and the Office of the Controller.

It was pointed out that approximately 95% of the HRC's budget goes for personnel costs, including 30% fringe benefits, with, for the first time this year, contributions to state unemployment insurance and federal social security. There are thirteen authorized, permanent positions (one less than the fourteen authorized when the HRC began operation in 1964). Two, a Coordinator and one Clerk Stenographer, are vacant. This latter fact made it possible to avoid a previously-planned 20% across-the-board salary cut for professional-level staff in the aftermath of Proposition 13. The lack of flexibility (only 5% non-personnel costs) in handling allocations internally makes it, therefore, even more difficult for the HRC to make budget cuts.

Mr. Mickins said that he presently is hoping to offset anticipated budget deficits by:

1. The possibility that the state will provide supplemental money ("the bail-out") at the same level as in 1978.

2. Alternate funding, such as an allocation from the Wastewater Project budget, and from the Office of Community Development (from which an $18,000 grant has been approved but not yet received.)

The HRC budget must be submitted to the Mayor's Office by January 15.

Mr. Mickins noted that the HRC, unlike large City departments, has no facet of its operation that it can "contract out," that is, let a contract for services to the private sector, such as a janitorial service.

A big part of the Director's efforts, he said, is directed at trying to find alternative funding also in view of the effect the new federal Comprehensive Employment Training Act regulations will have on the staff. This year, 1979, participation in the CETA program will be limited to 18 months. Only one person currently serving on the HRC could be retained after October 1, 1979 under this regulation. Many CETA workers now doing professional-level contract compliance/affirmative action work will have to go. A further new regulation will limit the annual salary to $8,800, and cities will not be permitted to supplement this amount.

Commissioner Morrissey suggested that the HRC attempt to place its CETA employees in private sector jobs, as the CETA program design intended.

Director Mickins said that his efforts would be focused on trying to retain the experienced CETA staff.

- HRC Meetings with City Departments Regarding Prior Approval of Contracts.

These meetings followed the sending, in September, October and November, of letters to each of the 68 City departments and bureaus regarding the HRC's intention to implement procedures giving it prior notice of any contract negotiations.

To date, approximately two-thirds of these departments have met with the HRC, beginning with major departments under the Chief Administrative Officer (Department of Public Health, Public Works, etc.). The HRC also has met with elected officials (the Sheriff, the City Attorney, the City Treasurer, etc.). These meetings have worked out agreements to give the HRC the authority to pre-qualify contracts (for compliance with HRC affirmative action guidelines) being awarded to the private sector.

The HRC requires that:

- Chapter 12B (the Nondiscrimination Ordinance of the City's Administrative Code) be included as part of all pre-bid contract documents.
- Prior notice be given it of any contract being planned to be let by any City department at the pre-bid and pre-award level. That the HRC be privy to any pre-award meetings.
- Copies of the contracts be provided the HRC so it can pre-qualify potential contractors for affirmative action compliance.

The HRC also has negotiated with the Office of the City Purchaser (Joseph C. Gavin) to attach, as of January 1, 1979, the HRC's affirmative action guidelines to each contract (over $50,000) let by the Gavin office. The City Purchaser lets some $175 million annually in goods and services contracts.

Mr. Mickins empahsized how disastrous to the HRC's carrying out these legal mandates any cuts in personnel would have.

He also stated that, in his judgement, at the present time the HRC has one of the most highly-skilled and dedicated staffs it has ever had.

- Meeting of Director and Chairperson with Mayor Feinstein.

Chairperson Yamakawa and Director Mickins met with the Mayor in one of three department group meetings she held recently. She outlined her general policies on fiscal belt-tightening, encouraging the contracting out of departmental services, etc.

The HRC representatives were greatly encouraged by the Mayor's saying that she had heard that the HRC has been operating a strong, fair program, and her indications that she looked forward to working with and assisting the Commission.

Mayor Feinstein said, in relation to contracting out City services, that she saw the policy as one that would have as criteria areas where money would be saved payment of prevailing wages for private contract workers, and letting contracts in areas of collective bargaining.

Director Mickins said that the HRC has received a complaint charging violation of Chapters 12A and 12B from the union regarding the contracting out of janitorial services by the Department of Public Health at its 101 Grove headquarters building. Three minority janitors, a Black, an Asian, and an Hispanic, were displaced, and the private janitor service firm replaced them with three Anglos. Mr. Mickins said the complaint as first filed with the HRC was deficient in that the grievance was filed against the Department of Public Health, not the private contractor. The HRC has, however, told the Department of Public Health that it should let no further such contracts without prior approval by the HRC regarding affirmative action. The San Francisco International Airport reportedly is considering contracting out its janitorial services, which are extensive and nonstop. It is reported also that the Community College has contracted out for these services and that the Department of Social Services has received Board of Supervisors approval to do so.

The attorney for the complaining union has told the Director he will be filing a more complete complaint to correct the previously mentioned deficiencies.

- Commissioner del Portillo commented that some minority communities are expressing the apprehension that private contracting for City services works against their best interests in employment, and that the affirmative action aspect of these contracts is of prime importance to them. Some see it she said, not so much anti-union as anti-minority.

Director Mickins said that the policy would be that the contracting out would provide that City workers displaced would be placed in other City positions, so that no one loses a job through this process.

Commissioner Maxwell took issue with the concept that contracting out government services is more efficient and cost saving.

Commissioner del Portillo commented on the possibility of government workers going into private business to get these contracts and of contracts for goods being let to companies based far outside the City.

Chairperson Yamakawa said that Mayor Feinstein had asked him to convey to the HRC how impressed she was with the high level of its staff performance and the leadership of Director Mickins. He said he felt that the Mayor had come into office as well-versed as any Mayor to date on the working of the HRC.

NOMINATING COMMITTEE
Sister Bernadette Giles, Chairperson, Enola Maxwell, Co-Chairperson
Caryl Mezey, Co-Chairperson

- Recommendations for Chairperson and Vice-Chairperson for the Calendar Year 1979 - Commissioner Giles.

The Committee recommended David Yamakawa for Chairperson.

The Committee recommended Carlota del Portillo for Vice-Chairperson.

There were no other recommendations or nominations.

Commissioner Morrissey assumed the gavel from Chairperson Yamakawa.

*****There being no further discussion or nominations, David Yamakawa was re-elected as Chairperson and Carlota del Portillo was elected Vice-Chairperson by unanimous vote.

- Chairperson Yamakawa thanked the members of the HRC for their support in the past. He formally commended and thanked out-going Vice Chairperson Caryl Mezey (who was not present at this meeting) for her service during 1978.

He said that the work of the HRC will become more complex, and that he expected repercussions of Proposition 13 and of the expanded work and influence of the HRC to be felt at both committee and HRC level.

*****He asked that members of the HRC submit to him:

1. Which committees they are interested in chairing.
2. Which committees they are interested in co-chairing.
3. Which committees they are interested in serving on.
4. Which committees they wish to continue to serve on or to which they wish a first time assignment.

The HRC was reminded that by amendment to the Rules and Regulations in February of 1978, terms of service on the standing committees run from March to March for one year, except for the Youth & Education Committee, whose members serve terms conforming to the public school year.

STANDING COMMITTEES

EMPLOYMENT
Alvin Fine, Chairperson, Carlota del Portillo, Co-Chairperson
Vernon Alley, Co-Chairperson

- Interim Report on Recruiting Results and Employment Breakdown for North Point Pier, Inc. - Don Hesse

North Point Pier, Inc. (NPP) is the prime lessee of the City property occupied by Pier 39, a commerical waterfront development project adjacent to Fisherman's Wharf at the junction of Jefferson Street, Stockton Street and the Embarcadero.

This report is an interim analysis of the operating workforce data reported by NPP at the time Pier 39 began business in November, 1978. In addition, there is a description of the minority and woman entrepreneurship goals achieved by NPP among its sub-lessees and a brief analysis of the recruitment effort which NPP maintained. The report is not concerned with the construction workforce utilized by the lessee and its subcontractors which is the subject of an independent finding by the Human Rights Commission Director.

The components of the North Point Pier workforce include the following:

(1) Administrative - includes executive, management, planning, finance, public relations and clerical support positions making up less than 10% of the total workforce. Most of these people have been employed for more than a year.

(2) Games Area Employees - charged with overseeing and operating the 'fun center' connected with N¼¼. These positions were filled in October, 1978. These employees account for between 10% and 20% of the total workforce.

(3) Security Force - for the overall North Point Pier Project. Hired in October, 1978. These employees are about 10% of the total workforce.

(4) Maintenance staff - responsible for the common areas of Pier 39 and those parts under the direct control of North Point Pier, Inc. This staff is less than 5% of the total workforce.

(5) Restaurant Staff - Pier Restaurants, Inc., a wholly-owned subsidiary of NPP, operates three of the twenty -three restaurants on the Pier (excluding the fast food outlets which are located in a common area). As a wholly-owned subsidiary, their workforce data is included in the overall NPP information. Most positions were filled in October, 1978. This staff makes up approximately 65% to 70% of the total workforce.

I North Point Pier's total minority and female workforce by percentage as of the beginning of full operations in November, 1978 was as follows:

Female:	45%	
Minority	38%	
Minority		
Spanish-Origin	21%	
Black	13%	
Chinese	6%	
Filipino	1%	
Japanese	0%	
Native American	.5%	
Other Non-White	1%	
Total Minority	43%	Of Total Workforce

Breakdown by components is as follows:

A)	Administrative:	Male:	57%	Minority:	0%
		Female:	43%	Minority:	11%
		Total Minority	4%		
B)	Games Area:	Male:	41%	Minority:	68%
		Female:	59%	Minority:	66%
		Total Minority	67%		
C)	Security:	Male:	77%	Minority:	35%
		Female:	23%	Minority:	43%
		Total Minority	37%		
D)	Maintenance:	Male:	50%	Minority:	57%
		Female:	50%	Minority:	57%
		Total Minority	57%		
E)	Restaurant:	Male:	56%	Minority:	48%
		Female:	44%	Minority:	31%
		Total Minority	41%		

Mr. Hesse noted that the minority participation figures for the Restaurant category should be considered in light of the fact that those with strong ethnic "themes", e.g., Mexican cuisine, decor, etc., would tend to enhance the overall minority workforce totals because their staffs would be largely one ethnic group.

F) Supervisorial Positions (outside of Administration but included in above figures).

Female:	43%
Minority:	43%

Mr. Hesse said there seemed to be a real attempt to recruit and hire minorities and females in the supervisorial (but nonadministrative) positions.

II. Recruitment Patterns. NPP publicly committed itself (in a letter to the HRC) to an aggressive affirmative action hiring program by working with many community-based referral agencies, (including Mission Hiring Hall, the Mayor's Youth Center, Chinese for Affirmative Action, etc.). While the questionnaire asks only for approximate numbers, the percentages may be useful for determining trends.

a) Administrative (from professional fee agencies)

Percentage of all referrals hired	19%
Percentage of referrals who are minorities	56%
Percentage of minority referrals hired	11%
Percentage of nonminority referrals hired	29%

b) Restaurants

Percentage of all referrals hired	22%
Percentage of referrals who are minorities	80%
Percentage of minority referrals hired	31%
Percentage of nonminority referrals hired	16%

c) Security

Percentage of all referrals hired	20%
Percentage of referrals who are minorities	44%
Percentage of minority referrals hired	13%
Percentage of nonminority referrals hired	25%

Mr. Hesse said a problem area he is still working on is why, overall, only one in five referrals was hired. He said he felt this raises the question of why minority referrals' hiring was so low when the developer's public justification to counteract objections to environmental impacts of the project was that it (the development) would create many minority jobs. He cited a major airline that overcame environmental objections to its coming into San Francisco by saying it created jobs but that reportedly is transferring all its staff from other parts of the country here.

III. Minority and Women Business Opportunties. NPP also made and carried out a public commitment to offer minorities and women the opportunity to participate in the operation of restaurants and retail stores as sub-lessees. As the project is 100% leased, any further changes in these figures will result from turnover.

NPP agreed, Mr. Hesse reported, to set aside 25% of the available commercial spaces for minority and women entrepreneurs. Initially, there werefew applicants for the minority slots, either because applicants did not know how to apply or word did not get widely circulated about the opportunity, or for some other reason. NPP stopped leasing and contacted a group called Experience Reserve Bank to make referrals of minority entrepreneur applicants.

a) Restaurants (excluding the fast food outlets which are bunched together in one area, serve only across the counter, employ few people, and appear to be staffed for the most part by racial minorities).

Of the 23 major restaurants, 11, or 43%, are owned by minorities. None are owned solely by women, though women may be named partners with their husbands.

b) Retail Stores

Of the 105 boutiques and specialty shops, 15, or 14%, are owned by minorities and 25, or 23%, are owned by women.

This results in overall figures of 20% minority business enterprises and 20% women-owned business enterprises.

Mr. Hesse said he would report in the future on the restaurants in general and on recruiting information.

- Status Report on Hibernia Bank and Affirmative Action - Mr. Hesse

Hibernia Bank is a depository for funds under the control of the City and County of San Francisco. This relationship places Hibernia, and all such banks, under the jurisdiction of Chapter 12B of the City Administrative Code.

Hibernia entered into a long-term Memorandum of Understanding with the Human Rights Commission on January 29, 1974, regarding affirmative action in recruiting, training and maintaining the Bank's minority workforce. The memo required extensive record-keeping on terminations, promotions, etc.

The goal established in that memo was for overall minority employment to reach 34% by 1977. It also said that the memo would be terminated if the goal were reached prior to 1977.

Mr. Hesse's figures (below) show four and a half years. The classifications used are those of the federal Equal Employment Opportunity Reports from which the percentages have been derived.

In Mr. Hesse's words, "Hibernia progressed from an overall point of view steadily and successfully, surpassed the original goal, and continued to better it."

In the following tables the definitions are:

Officers & Managers (Executives, Managers, General Officers, Operations Officers)

Professionals (Appraisers, Auditors, Operations Officers)

Technicians (only one class, with seven in the class) (Publications Specialist)

Office and Clerical (by far the largest job classification)

Operatives (Semi-skilled messengers and drivers)

Service Workers (Guards and hostesses)

	April 1974	April 1975	April 1976	Jan 1977	Oct 1978
FEMALE EMPLOYEES					
Officers and Managers	30%	33%	36%	38%	38%
Professionals	40	42	47	49	50
Technicians	14	20	40	17	80
Office and Clerical	90	84	81	81	83
Operatives	--	--	--	--	--
Service Workers	25	27	30	33	29
Total	66%	66%	65%	65%	57%

	April 1974	April 1975	April 1976	Jan 1977	Oct 1978
BLACK					
Officers and Managers	2%	2%	2%	1%	1%
Professionals	5	5	2	2	4
Technicians	14	-	-	17	20
Office and Clerical	6	5	10	11	11
Operatives	--	--	--	--	--
Service Workers	--	--	--	--	--
Total	5%	4%	7%	7%	8%
ORIENTAL					
Officers & Managers	2%	1%	2%	1%	3%
Professionals	12	16	13	17	24
Technicians	--	--	--	8	--
Office and Clerical	12	15	19	22	27
Operatives	--	--	--	33	33
Service Workers	--	--	--	--	--
Total	1%	.5%	1%	.5%	.5%
NATIVE AMERICAN INDIAN					
Officers and Managers	--	--	--	--	--
Professionals	--	--	--	--	--
Technicians	--	--	--	--	--
Office and Clerical	2	1	1	1	1
Operatives	--	--	--	--	--
Service Workers	--	--	--	--	--
Total	1%	.5%	1%	.5%	.5%
SPANISH					
Officers and Managers	4%	5%	6%	7%	4%
Professionals	9	5	10	6	6
Technicians	14	20	10	25	40
Office and Clerical	10	10	10	14	15
Operatives	--	--	--	--	--
Service Workers	17	18	20	22	14
Total	9%	9%	9%	12%	12%
TOTAL MINORITY					
Officers and Managers	9%	8%	10%	10%	8%
Professionals	26	26	24	22	35
Technicians	28	20	10	50	60
Office and Clerical	29	31	40	48	55
Operatives	--	--	25	33	33
Service Workers	17	18	20	22	14
Total	24%	25%	31%	36%	41%

Analysis of Persons Hired in the Past 12 Months

Female percentage of all persons hired	66%
Minority percentage of all females hired	60%
Minority percentage of all males hired	40%
Black percentage of all persons hired	11%
Asian/Pacific Islander percentage of all persons hired	30%
Native American percentage of all persons hired	0%
Spanish-Origin percentage of all persons hired	10%
Total Minority percentage of all persons hired	50%

Mr. Hesse said Hibernia could be commended for what clearly was a substantial outreach effort under this Memorandum of Agreement.

A continuing, paradoxical problem, however, looms because of the use of certain labor statistics. Mr. Hesse pointed out that if one used U.S. Department of Labor figures of 74% White employment in the five-county Bay Area, a Hibernia workforce breakdown showing, say, 55% White could be interpreted that the bank is, indeed, "underutilizing" White employees.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- Committee Report

Jule Johnson and Myra Kopf, newely-elected to the Board of Education and both former members of the Youth and Education Committee, were guests at the last meeting for an informal and wide-ranging discussion of goals, problems, and other issues in the School District. Rosario Anaya, also elected to the Board, was unable to accept the invitation to this meeting.

The discussion dealt with:

-= the problem of overcrowding in the secondary (high) schools.

- inadequate preparation for handling ninth-graders, with tensions between them and upper-grade tenth, eleventh, and twelfth-graders.

- teacher layoffs and the possibility of 800 layoffs during this school year, perhaps 400 by attrition. Seniority will prevail, it is felt, thus working adversely for the professional status and tenure of many minority teachers. This is considered an urgent problem.

- retention of paraprofessionals, again with last-hired, first-fired problems.

- program cuts and how the decisions will be made. Three of the programs in which the HRC has been intimately involved (bilingual, school lunch, and gifted children programs) are reportedly to receive no increases in funding.

- use of talented people for specialty subject teaching assignments. Thus teachers may have a minor subject into which they can move without having to hire outside the District.

Commissioner Solomon then discussed other aspects of the Committee meeting with the new Board members, including overcrowding as a result of the Redesign plan, the difficulty of minorities being able to enter Lowell (a District high-academic high school) and John O'Connell (the District's trade school) and the lease of District surplus buildings to private or parochial schools.

Commissioners Maxwell and del Portillo expressed concerns about work-study programs in the District, the reported use of inadequately-trained English-as-a-Second-Language teachers, the possibility of one school being set aside for ESL students, the leasing of school playgrounds to the detriment of neighborhood play area accessibility, and the followup of parent requests that children be placed in bilingual programs. They asked that these issues be considered in further discussions with the School District by the Youth and Education Committee.

NEW MATTERS

- Commissioner del Portillo announced that she became a grandmother on January 7 with the arrival of Sarah Maria Templeton-Asturias.

- Commissioner Vernon Alley has been elected Chairperson of the Board of Directors of Local 6, the Musician's Union.

REMARKS FROM THE AUDIENCE

- Mr. Leon Levy of the Synanon Foundation made a statement on his concern about the current arrest status of Charles Dederich, the founder of Synanon, and the lack of what he called balanced reports from the media. Mr. Levy discussed the programs and policies of the Foundation in its work with alcohol and drug abuse. He had discussed his concerns before this meeting with Director Mickins. He was asked to state how he felt the HRC could be of assistance specifically in the matter of Mr. Dederich in writing and submit it to the Chairperson of the Director.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, January 25, 1979, at 9:15 A.M. in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, January 18, 1979 9:30 A.M. Grace Cathedral, Cathedral House Library 1051 Taylor St., San Francisco
Gay Advisory	To Be Announced
Housing & Urban Development	Wednesday, January 17, 1979 9:00 A.M. 1095 Market St., Room 509 San Francisco
Ordinance Revision Committee	To Be Announced
Police Liaison/Social Issues	To Be Announced
Youth & Education	Thursday, January 18, 1979 3:30 P.M. Grace Cathedral, Cathedral House Library 1051 Taylor St., San Francisco Thursday, February 1, 1979 3:30 P.M. Same Location as Above

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM/JC/gb

January 18, 1979

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of January 25, 1979

NEXT MEETING: Thursday,
February 8, 1979
9:15 A.M.

Commission Room, Third Floor
Main Library, Civic Center

FEB 13 1979

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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

ROLL CALL

Commissioners

Present: Carlota del Portillo (presiding), Vernon Alley, Sister Bernadette Giles, Phyllis Lyon, Enola Maxwell, Caryl Mezey, John Morrissey, Donna Solomon.

Excused: Rev. W.R. Drummer, Rabbi Alvin Fine, Sylvester Herring, Dan Silva, David Yamakawa, Nadim Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Luis Escobar, Don Hesse, Stanley Lim, Joe Meza, Vicky Rathbone, Gail Roberts, Emmett Rosebrough, Essie Thomas, Lydia San Filippo.

Pledge of Allegiance

Minutes of Meeting of January 11, 1979 approved.

COMMUNICATIONS

- From C. Thompson, for the Frederick Street Chapter of Amnesty International, San Francisco, a booklet recently published by Amnesty International on the subject of alleged violations of human rights in Romania.

- From Harvey M. Rose, Budget Analyst, Board of Supervisors, notifying the change of address of his office to 1182 Market, Room 422, telephone 552-9292.

- From Ms. Agnes F. Williams, Coordinator, American Indian Bay Area Inter-Agency, soliciting HRC participation and membership in Inter-Agency, which deals with Indian issues.

- From Leon Levy, of Synanon, following up his appearance before the HRC on January 11th to speak regarding the arrest status of Charles Dederich, founder of Synanon. Mr. Levy was asked then to write formally to the HRC the details of his position on this issue. In this letter he asked the HRC to consider this matter an infringement of Mr. Dederich's human rights.

- From Frank S. Fung, President, Asian American Architects Engineers, urging strong HRC support of the proposed affirmative action program for design consultants. See discussion of this issue under the Employment Committee section of these Minutes.

- From Gilbert H. Boreman, Clerk of the Board of Supervisors, copies of revised forms for the State of Economic Interest statement required of designated employees (including appointed commissioners) of the City to be filed annually.

- From Rene Cazenave and Calvin Welch, San Francisco Information Clearinghouse, a copy of a letter to Carl Williams, as Acting Director, Office of Community Development, with copies to other City departments and agencies involved in housing, informing that the Clearinghouse has been selected to be the San Francisco office to monitor Community Development Block Grant programs.

- From Maria-Elena James, Director, Small Claims Court Project, Office of the District Attorney, announcing a series of workshops to begin at Hastings College of Law, 198 McAllister, in Room D, on Wednesday, January 31 at 7:30 p.m. on Small Claims Court filing procedures, service of process, etc.

At this point, Vice-Chairperson del Portillo, presiding in the absence of Chairperson Yamakawa, read in full a memorandum from him to the full HRC regarding Commissioner assignments for 1979, as follows:

Administrative Committee:	Chair: Commissioner del Portillo Members: Commissioners Giles, Lyon, Maxwell and Morrissey as committee chairs.
Employment Committee:	Chair: Commissioner del Portillo Co-Chair: Commissioner Alley Members: Commissioners Fine and Zarour.
Gay Advisory Committee:	Chair: Commissioner Lyon
Housing & Urban Affairs Committee:	Chair: Commissioner Maxwell Co-Chair: Commissioner Grafilo Members: Commissioner Mezey
Police Liaison/Social Issues Committee:	Chair: Commissioner Morrissey Co-Chair: Commissioner Herring Members: Commissioners Giles, Lyon, and Silva
Youth & Education Committee:	Chair: Commissioner Giles Co-Chair: Commissioner Solomon Member: Commissioner Drummer

The Ad-Hoc Ordinance Revision Committee will continue in 1979 as follows, with the same makeup:

Co-Chairpersons:	Commissioners Maxwell and Solomon
Members:	Commissioners Fine and Lyon

Chairperson Yamakawa expressed his appreciation for the many years of service in leadership positions on HRC Standing Committees of Commissioners Fine and Mezey, whose personal schedules did not permit them to so serve (as committee chairpersons) during 1979.

DIRECTOR'S REPORT

- HRC Budget.

Preparation and submission of the HRC's budget, discussed in detail at the HRC meeting of January 11, has been completed. Director Mickins reminded the HRC that the budget this year, on request of the Mayor's Office, was one that called for determining what could be removed from the agency services. The HRC and other City departments submitted budgets in percentiles of 83%, 88%, 92%, and 95% of the previous year's budget.

The Director also stressed that 70% to 74% of the HRC's present staff are working full or half-time in implementing the affirmative action requirements of the City with City contractors. And reduction in staff, he said, would similarly reduce ability to carry out this mandate. He noted that Mayor Feinstein had expressed concern that the HRC continue its complaints-handling function. The HRC professional staff handled more than 1,100 complaints during 1977. Its 1978 complaint caseload report will be announced shortly.

- City Department Contract Agreements.

By February 1, the HRC will have completed its meetings and negotiations with all of the City departments which let contracts to establish a procedure for pre-award approval of those contracts for compliance with affirmative action requirements.

All contracts now going out from the City Purchasing department for more than $50,000 include the HRC's affirmative action program requirements. This has, the Director said, greatly increased the workload of the HRC staff, but its morale remains high.

The HRC continues its discussions with other agencies for ad valorem assistance for its staff work needed to review contracts in such substantial projects as the Wastewater construction project.

- In response to Vice-Chairperson del Portillo's inquiry about contact/information with minority business sources regarding City contract availability, Director Mickins said that the HRC is developing a working relationship working with the San Francisco Business Development Center (formerly PACT-Plan of Action for Changing Times) and other Community MBE Programs. He underlined the intent and need to publicize in the near future the fact that all City departments are participating in the pre-award approval program with the HRC.

The HRC also is requesting that the Airports Commission approve a tentative budget submitted for needed support for staff review and monitoring its work. An $18,000 grant has previously been announced from the Office for Community Development. The Director will meet soon with Eunice Elton to discuss procedures for review of the contracts let by the Mayor's Office (in the millions of dollars annually) through the Employment and Training Council and through the Acting Director James Johnson of the Office of Community Development.

Mr. Mickins said that City departments had been unusually receptive to the HRC in setting up its pre-award approval program. He recalled the resistance and the sometimes manifest hostility that prevailed in 1970-1971 when the HRC first attempted to initiate this kind of program.

- At this point Vice-Chairperson asked Commissioner Mezey to preside.

STANDING COMMITTEES

EMPLOYMENT
Alvin Fine, Chairperson
Carlota del Portillo, Co-Chairperson
Vernon Alley, Co-Chairperson

- Affirmative Action Report on Design Consultants at San Francisco International Airport - Vicky Rathbone, HRC Employment Specialist.

This seven-page narrative/statistical report was provided in advance of this meeting to each Commissioner. It included also a chart showing details (fees, types of work, minority or majority ownership, etc.) of architectural and engineering firms; participation in major Airport projects such as work on the three terminals.

The report concerns only the work accomplished by the HRC Design Team (its staff working to implement Chapter 12.B with City contracts at the Airport and widen opportunities for all firms, majority, minority or woman-owned, and employees to participate in the work). Ms. Rathbone said the Airport continues to be an important part of HRC affirmative action work.

- At this point, Commissioner Morrissey inquired whether the references in the proposed Affirmative Action Requirements document (set for discussion on this agenda after the Affirmative Action Report) to "small" minority or woman-owned businesses were following Chapter 12.B. wording. Since this inquiry stimulated much reaction, especially from mebers of the audience, please see in the Minutes below where the Affirmative Action Requirements for Design Consultants are discussed in full.

Ms. Rathbone's report on the Airport work points out that, until recently, all architectural work at the Airport was awarded to the joint venture of two firms, John Carl Warnecke and Associates, and Dreyfus and Blackford. The joint venture hired several minority firms to work on design of the North Terminal, Control Tower and garage, and the work in designing connecting bridges and boarding areas went to minority firms.

Ms. Rathbone's report explains the Request for Proposal procedures of the Airports Commission. Of sixty responses to a Request regarding modifications on the South and Central Terminals, six were qualified for interviews. Two were minority firms, but neither was selected. When the Requests for Proposal for the above jobs were sent out, the document containing HRC affirmative action requirements was, through error, omitted, though it is routinely included as a part of a Request for Proposal. It explains the kinds of hiring, promotion and training commitments needed for an affirmative action program, and sets goals as well for subcontractor participation by minority and woman-owned firms. The two firms that got the terminal projects did meet goals for minority business participation. A minority structural engineering firm got about 30% of the one project, and a minority firm was selected as landscape architect; one minority firm was selected as mechanical/electrical engineer on the other project.

Willis and Associates, owned by a woman, is an energy consultant firm, and Ms. Rathbone reported it is believed that it is the first woman-owned firm hired by any agency of the City for a major project, in this case to work on an energy plan for both terminals.

Stressing the importance of the affirmative action attachment to all Requests for Proposal in ensuring equality of opportunity, the report points out that a newly-formed minority firm was selected to be a soils consultant for the Central and South Terminal projects, also a "first."

Ms. Rathbone also underlined the importance of this means (the affirmative action requirements attached to Requests for Proposal) by citing the difficulty of small firms competing with older, larger, well-established ones in their ability to prepare elaborate and expensive multi-media presentations, including slide projections, charts, brochures, etc.

Active solicitation by the City of minority and woman-owned firms' proposals on minor projects came about through HRC staff and minority professionals' negotiations with the Airport largely in reaction to the continued use of a "shortlist" of architects. The "shortlist" is the six most qualified firms to be interviewed. During 1978, minority architects were hired to design a fire building and to redesign the engineering building.

Ms. Rathbone said there are more than 200 minority and woman design professionals with their own firms in the Bay Area. They have shown intense interest in the airport projects and felt strongly that they were not adequately represented on Airport projects in the past. Though there was resistance to the minority insistence that these firms participate in all aspects of the work (architecture, engineering, landscaping, etc.), with HRC support some of the firms involved in the two Airport projects were receptive to, and have voluntarily implemented, the idea.

Statistically, here are the highlights of this report:

Professional Level Hires: Architects, Engineers, etc.

Total Hires: 64

Minority Hires: 18 or 29%
Woman Hires: 18 or 29%

Technical Level Hires: Draftspersons, Engineering Aides, etc.

Total Hires: 42

Minority Hires: 16 or 38%
Woman Hires: 9 or 21%

Clerical Hires:

Total Hires: 60

Minority Hires: 17 or 28%

Total Hires: All Professional Levels: 166

Minority Hires: 51 or 31%
Woman Hires: 72 or 42%

Above Clerical: Total Woman Hires: 27 or 16%.

Substantial efforts also have been made to meet the minority training commitments made in the affirmative action agreements, with hires of an intern architect, trainee draftspersons, an assistant librarian, etc. The Engineering Society's Committee for Manpower Training (ESCMT) continues its work, with a former trainee given a scholarship, on full-time pay, and with continued full-time employment, to study architecture.

In conclusion, Ms. Rathbone's report credits the achievements it chronicles as the results of the work of the Airports Commission and staff, the HRC and staff, the firms hired at the Airport, and minority and woman design professionals and their organizations wanting to participate in the projects.

It was

*****m/s/c that the HRC accept the Affirmative Action Report on Design Consultants at San Francisco International Airport.

- Draft Proposal---Affirmative Action Requirements for Design Consultants Ms. Rathbone.

Vice-Chairperson del Portillo prefaced this report by announcing that there had been a vigorous discussion, with wide participation from various communities, on this issue at the last meeting of the Employment Committee. She said action was needed by the HRC on this document today, and that the document itself marked a very important point in the work of the HRC.

Ms. Rathbone reviewed the procedures she used in drafting these recommendations for changes in HRC's Affirmative Action Requirements for Design Consultants which were adopted by the Employment Committee. This work has covered approximately eighteen months, working with architects and engineers and with community groups.

The Requirements document, she explained, is a part of the Request for Proposal (referred to in the foregoing agenda report as well), spelling out the affirmative action requirements on the consultant which he/she will have to implement to obtain a contract. The HRC reviews these contracts proposals

and works with the prospective firm if there are affirmative action problem areas. Although it had very rarely happened, if these problems cannot be solved by action of the firm in compliance, another firm will be selected.

Feeling that the HRC Affirmative Action Requirements document in use for the last eighteen months was inadequate as regards minority business enterprise participation opportunities, the HRC drafted proposed changes and sent them to 200 some sources, including local architectural and engineering firms, all design firms that had previously competed for City and County work, to all known minority or woman-owned firms, to professional organizations, and to community-based groups specializing in minority job and business development.

A public hearing was sponsored by the HRC in December of 1978 to which all these sources were invited. Some thirty firms and organizations attended. For a month following the hearing, the HRC invited input from persons and firms attending this hearing and others with their suggestions for the Affirmative Action Requirements changes. The HRC staff reviewed these suggestions, and tried to incorporate changes on which there appeared to be a consensus of opinion.

Ms. Rathbone was asked to review the essential changes proposed, the reasons for proposing them, and what problems had arisen that caused the changes.

She then went through the proposed changes/amendments to the Affirmative Action Requirements for Design Consultants. She noted that "disabled" is proposed to be added to "minority and woman" in all categories of employment to be considered part of the Employment Expectations section of the document.

Another change was increasing to 25% the goal of a portion of the design fee for each project to be subconsulted to minority businesses. This figure was arrived at by computing what portion had been handled in the recent past by minority firms, which came to 26%.

Ms. Rathbone then referred to the wording of the section of the Requirements dealing with the Scope of Minority and Woman-Owned Business Participation, calling for "...the prime consultant to make very good faith effort to include small minority and woman-owned firms..." (see Commissioner Morrissey's previous inquiry). Ms. Rathbone said that it is common knowledge that there are only a few large, prestigeous, minority-owned design firms based in San Francisco. They are, she said, because of their prestige and experience, in no need of special affirmative action to help them move into the economic mainstream. However, some 98% of the Bay Area minority firms based here had gross receipts in 1978 of under $100,000. In order to make sure that these latter firms be included in these business project opportunities, the Requirements goal change noted is that at least one-half of the 25% (design fee goal to be subconsulted to minority firms) go to these small firms.

Ms. Rathbone discussed in detail the four major sections of the section entitled Scope of Minority and Woman-Owned Business Participation, covering prime consultants and major subconsultants and their being asked to "attempt to hire a small minority or woman-owned firm.." when their fees were, respectively, in excess of $750,000 and $75,000, to assist them in their work.

Another change proposed was that "The exact extent and scope of participation of minority and woman-owned businesses on the project will be the subject of negotiations between the consultant and the City and County on an individual basis.

In response to a concern of the American Institute of Architects, said Ms. Rathbone, the Employment Committee-approved proposed changes spell in more detail under I. Evaluation of Affirmative Action Proposals what the HRC s procedures will be in this area, and it is stated, in part, that "The Human Rights Commission will not be able to approve the selection of a Consultant to the City and County unless it is satisfied a good faith effort has and/or will be made to meet the affirmative action goals, guidelines and expectations outlined in this document."

- Commissioner Mezey expressed her gratification that there had been so much active interest and input from the community in general on preparation of these proposed changes, and that their concerns had been integrated into the final document. She noted that the general community public hearing of December was followed by a meeting with City department heads to get their input.

- Commissioner Solomon noted that the document(s) are not only a good explanation of the HRC's procedures in this specialized part of affirmative action, but of its work in general in this whole field.

- At this point a number of persons in the audience asked to make statements before HRC action on the Draft Proposal of the Affirmative Action Requirements for Design Consultants. Many of these speakers addressed the issue of the designation "small" minority firms brought up by Commissioner Morrissey.

- Frank S. Fung, President, Asian American Architects Engineers (AAAE), representing some seventy Asian firms in the Bay Area, most of them based in San Francisco, and most small businesses. He expressed AAAE/s support for the HRC staff and Employment Committee recommended changes, saying they had created a workable and flexible document leading to positive results.

- Gerald Johnson, President, Black Business Association. He said the overall approach as outlined by Ms. Rathbone was a good one. He said as well that he was happy to note that whereas in the past he had come to the HRC in an adversary role, he no longer had these feelings due the fact that he now could say that the HRC staff had shown a great deal of progress in its demonstrated commitment to minority participation, and that the HRC by its actions had shown great concern about minority business opportunity. Mr. Johnson noted that there is a need to look more realistically at size standards for minority businesses, in particular from the standpoint of their competitive disadvantage. Mr. Johnson said that he sees minority business participation as a significant factor affecting unemployment in the minority community.

- Wally Stokes speaking as an individual small design professional. Mr. Stokes complimented the work the HRC staff had done. He said the conerns as outlined by Ms. Rathbone in his opinion had reflected the views of many in the profession on the "small business" definition. Mr. Stokes said the preference extended to any small business should have a terminal goal, that of giving that business an opportunity to move up into the mainstream of America's economic life, to get bigger. Mr. Stokes also emphasized the dilemma of the small business without previous contract experience for the City inestablishing its competence, without the opportunity, through a contract grant, of proving its ability. He said that the "small" designation was needed in order to give minority and woman-owned businesses an opportunity to demonstrate their competence.

- Jack Young, President, National Association of Minority Architects of Northern California. Mr. Young expressed the formal support of the Association for the goals for affirmative action as contained in the documents under discussion. He said he felt that there would be a distinct disadvantage in leaving out the word "small" in the Goals, Scope of Minority and Woman-Owned Business Participation section. He pointed out that some six or seven large minority-owned design firms currently dominate the business in the Bay Area. Small firms, he said, have great difficulty in getting contracts. "Our position," he said, "is that major City projects, paid for with City taxes, should not be carried out by only a handful of firms." He urged that the HRC adopt the changes as proposed. He said just the presence of the HRC document attached to these Requests for Proposal can do much towards enhancing the participation of minority firms in their field.

- Lucia Bogotay, Director, Northern California Chapter of the American Institute of Architects, and a member of the Organization of Women Architects. Ms. Bogotay said both organizations are "delighted" with the efforts, understanding, and responsiveness of the HRC staff. She said that while they may have some reservations about details, they feel the HRC document will result in an improvement in the climate for women architects. She said the AIA is willing to assist the HRC through educating larger design firms to understand these goals. Ms. Bogotay said that the amount of participation from the community that the HRC generated had been "remarkable".

- Edward Zacher, President, Structural Engineers Association of Northern California. He said his organization had these concerns:

1. Liability insurance limitations on utilization of smaller firms.
2. Possible conflicts in requirements for subletting as opposed to the law requiring the registered engineer to have responsible charge.

- Anthony R. Pegram, Managing Engineer, Jordan/Avent & Associates, and member, Northern California Council of Black Professional Engineers. He said he felt that the affirmative action program in the HRC was a mandate. He expressed concern about the final definition of "minority-owned or controlled." He said that all minority firms, regardless of their gross business, have a disadvantage in competing for business.

- Wilson Chang, Director of Business Development, Asian, Inc. Mr. Chang praised Vicky Rathbone for her work in the past year, and her great energy responsiveness, enthusiasm, and creativity. He said he felt that an area as yet untouched in City business is in concessions contracts, which now are not monitored. He said Asian, Inc., is willing, with others, to work with the HRC staff in any capacity to further the understanding of its affirmative action goals.

- Ted C. Jeong, a private (small) architect, and member of the American Institute of Architects. Mr. Jeong urged support for the proposed changes because they would support a greater spread and share of contracts among minority businesses. He said the minority firms would have little or no chance to get involved without the HRC's Affirmative Action Requirements. He noted that although small minority firms are told they cannot prove their competency, the fact is that all members of these firms' principals are licensed by the State of California. In addition, many of them got their apprenticeship training and experience with the major firms in the Bay Area.

- Before the formal presentation and audience comments had begun, it had been moved and seconded to accept the Draft Proposal on Affirmative Action Requirements for Design Consultants.

*****Commissioner Morrissey moved that the word "small" be eliminated wherever it appears in the document, so that "the program would apply to all minority-owned and woman-owned firms." He said his reason was that he did not see that the HRC was charged with the responsibility or encouraging small business, as small business, within its mandate. He said he felt the HRC should not get involved in determining what is small and what is not small. He did think the HRC could define minority or woman-owned.

- The motion to amend was seconded by Commissioner Maxwell, who said that she could see how the use of the word "small" might cause a division in the minority community. ("Small, untried," she said, "are handicaps."), she was opposed to the motion, and seconded it in order (by parliamentary rule) to speak against it.

- Vice-Chairperson del Portillo urged that the motion be defeated and spoke strongly in urging retention of what she called the basic concept of affirmative action.

- Statements of opposition to the motion were made also by Commissioners Lyon and Giles.

*****The motion was defeated 7-1.

It was then

*****m/s/c unanimously, to adopte the proposed amendments to the Affirmative Action [illegible].

- Commissioner Morrissey again commended the Employment Committee staff and the community for its help, participation, and support in developing these changes.

- Vice-Chairperson del Portillo commended Frank Anderson for his many contributions.

- Local 400 (Civil Service Association Union) Proposals Concerning Temporary and Comprehensive Employment Training Act (CETA) Workers - Frank Anderson.

The Commissioners were provided copies of Proposed Civil Service Rule Changes for Temporary and CETA (City) Workers, which Local 400 will be negotiating with Civil Service. Also included was a Fact Sheet giving answers to questions about the status of CETA and Temporary City workers, of which there are 11,300, 2,314 Temporaries funded under CETA and 9,086 regular Temporary workers. Temporary workers have no fringe benefits such as medical care, retirement, Social Security, etc. They also remain (some for many years) at step one of the salary scale. In addition, many civil service examinations are only open to permanent workers. On layoffs, a permanent worker could be retained over a ten-year veteran temporary workers.

Permanent workers are 59% White and 40% minority. Temporary workers are 47% White and 53% minority. CETA workers are 23% White and 77% minority.

Vince Courtney of Local 400 had discussed these proposed rule changes with the Employment Committee in detail.

With the addition of one paragraph calling for considering CETA and Temporary employees (of the City) employed for over one year as permanent for the purpose of participating in the examination process, it was

*****m/s/c that the HRC adopt and endorse the Proposed Civil Service Rule Changes for Temporary and CETA Workers. The full copy of these proposals is attached to these Minutes.

YOUTH & EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- Committee Report-Discussion on Suspensions.

Administrators of four Middle Schools from the San Francisco Unified School District were invited to the last Committee meeting to discuss the status of suspensions at their schools. Two of the schools have the highest suspension rates (Middle Schools are 6th, 7th, and 8th grades) in the District and two have the lowest. Only one principal, from one of the schools with the lowest rates, could not attend.

Emmett Rosebrough had provide statistics on suspensions in the District.

There has been a dramatic decline in the total number of middle school suspensions. In the school year 1976-1977, there were 843 suspensions. In the school year 1977-1978, there were 334 suspensions.

The reasons for this decline were stated as including:

1. An increase in the amount of counseling of students and the seeking of alternative measures to suspension.

2. Greater participation and cooperation by parents.

3. One school has a community-based program called the Maxi-Center. This is not a District program.

4. School leadership and administration attitudes towards school discipline problems. There is wide variance in individual principals' attitudes towards these problems and ways of handling them.

5. The Task Force on Suspensions has had an impact in this decline. This was set up by the District in response to strong HRC support.

Some schools do not have a separate facility for school faculty counseling to students. This is one of the continuing problems.

There has been no change in the ethnic representation of those suspended. Blacks still have a higher suspension rate than any other group. The explanation given by one person was that Black students have more difficulty relating to White teachers' supervision. There were no charges that Black students are being discriminated against in these policies.

- Resolution of Commendation to Lucille S. Abrahamson.

This proposed Resolution was read in full. It was

*****m/s/c that the HRC take action on it by suspending its Rules and Regulations to consider it without its having been on the agenda.

It was then

*****m/s/c that the HRC adopt the Resolution of Commendation to Lucille S. Abrahamson. The full text is attached to these Minutes. Commissioner Giles was asked to present it to Mrs. Abrahamson at a testimonial dinner to be given for her February 7.

NEW MATTERS

- Commissioner Solomon noted that Sears, Roebuck, and Co., has sued the federal government, charging that it needs to implement affirmative action in federal employment, and that its conflicting regulations in this field need to be clarified before they can be implemented.

- The George R. Moscone Memorial Fund checks from staff and the HRC will be sent February 1.

- Emmett Rosebrough said he had received a letter from Janet Pomeroy, Director of the Recreation Center for the Handicapped, regarding a Resolution introduced at the Board of Education setting up a task force to study the needs of handicapped children. The Director stated he would review this letter of Ms. Pomeroy's concerns and refer it to the Youth and Education Committee for follow-up if necessary.

CALENDAR MATTERS

- An Appeal Hearing before the full HRC is scheduled in the matter of North Point Pier, Inc. (Pier 39). This hearing will be Thursday, February 15, in the Commission on Aging Conference Room, 1095 Market St., Room 710 at 9:15 A.M.

- The next regular meeting of the HRC will be Thursday, February 8, at 9:15 A.M. in the Third Floor Commission Room in the Main Library.

STANDING COMMITTEES

Employment	Thursday, February 1, 1979 9:30 A.M. Grace Cathedral, Cathedral House Library 1051 Taylor St., San Francisco
Gay Advisory	To Be Announced
Housing & Urban Development	To Be Announced
Ordinance Revision Committee	To Be Announced
Police Liaison/Social Issues	To Be Announced
Youth & Education	Thursday, February 1, 1979 3:30 P.M. Thursday, February 15, 1979 3:30 P.M. 1051 Taylor Street, San Francisco Grace Cathedral, Cathedral House Library

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM/JC/gb

Proposed Civil Service Rule Changes for Temporary and CETA Workers

Local 400 will be negotiating with Civil Service over these proposed changes which we submitted on December 26, 1978:

1) "Temporary" or CETA workers shall upon completion of one year of service be administered upon request a pass/fail performance examination based upon competent job performance. For workers currently within regular or "temporary" positions, such performance examinations may be utilized as the pass/fail portion of a two-part examination, in which eligibles shall be based upon other appropriate criteria. The oral portion of the examination shall be open on a continuous basis.

2) Seniority shall begin to accrue upon initial date of probationary, permanent, or temporary appointment for all purposes of the Civil Service Rules.

3) Upon successful completion of such a job performance examination, temporary workers in a given classification shall become eligible to take promotional examinations open to others in the same classification providing she or he meets all other appropriate qualifications.

4) Before vacant "temporary" or CETA positions are filled from outside the current workforce they shall be available by seniority among those qualified with equal or lower pay (or equal or fewer hours at the same pay) employed in "temporary" or CETA positions.

Proposals Concerning Temporary and CETA Workers in 1979-80 Salary Ordinance

These proposals are part of the overall Memorandum of Understanding that Local 400 will be negotiating with the Board of Supervisors for 1979-80:

1) Full-time temporary positions in classifications covered by this Memorandum of Understanding allocated to any department shall, upon the third renewal of such position or after twelve (12) consecutive months, whichever occurs first, become permanent positions within such department.

2) Permanent positions in any classification covered by this Memorandum of Understanding shall be filled by a permanent or probationary employee.

3) Temporary employees appointed off an eligible list, who are subsequent regularly appointed to a position in the same or related classification shall be placed at that step in the salary range for the classification which reflects time served as a temporary.

4) PAYMENT IN LIEU OF FRINGE BENEFITS FOR TEMPORARY WORKERS

Temporary employees, not otherwise eligible to receive fringe benefits shall be entitled to an hourly or bi-weekly payment in lieu of fringe benefits. Such payment shall be equal to the full value, computed on an hourly or bi-weekly basis, of fringe benefits received by regular full time employees. No employee shall remain a temporary employee solely for the purpose of receiving such payment.

The Union's Civil Rights Committee has been working on these proposals in order to deal with the pressing problems affecting temporary and CETA workers.

5) CETA and Temporary employees employed for over one year would be considered permanent for the purpose of participating in the examination process.

Adopted by the HRC 1/25/79

pa 1/31/79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

RESOLUTION OF COMMENDATION

TO

LUCILLE S. ABRAHAMSON

WHEREAS, Lucille S. Abrahamson has served on the San Francisco Board of Education from June, 1972 through December, 1978; and

WHEREAS, Lucille S. Abrahamson consistently supported quality integrated education in the San Francisco Unified School District; and

WHEREAS, Lucille S. Abrahamson has been an extraordinary Board member, dedicated and very hard working, and committed to the education of all children;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission of San Francisco convey its deep appreciation and gratitude to Lucille S. Abrahamson for her service on the San Francisco Board of Education; and

BE IT FURTHER RESOLVED that the Human Rights Commission express gratitude to Lucille S. Abrahamson for her dedicated commitment throughout the years to the children of San Francisco.

Resolution 1-79
Adopted by the HRC 1/25/79

pa
1/30/79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of February 8, 1979

NEXT MEETING: Thursday,
February 22, 1979
9:15 A.M.

Commission Room Third Floor
Main Library, Civic Center

FEB 21 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Carlota del Portillo, Sister Bernadette Giles, Phyllis Lyon, Enola Maxwell, Caryl Mezey, John Morrissey, Nadim Zarour.

Excused: Rev. W.R. Drummer, Rabbi Alvin Fine, Antonio Grafilo, Sylvester Herring, Dan Silva, Donna Solomon.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Luis Escobar, Don Hesse, Stanley Lim, Joe Meza, Emmett Rosebrough, Essie Thomas.

- Lois Winge, observer from the League of Women Voters.

Pledge of Allegiance

Minutes of January 25, 1979 adopted.

COMMUNICATIONS

- From Mayor Dianne Feinstein, a copy of a Memorandum sent to all City Departments and Commissions regarding positions on state legislation. The Memorandum was read in full. It spells out the procedures for a Department or Commission to follow if it "wishes to express the position of the City" on any bill or bills pending before the state legislature. The Memorandum states, "You should be aware that the...limitation also prohibits the presentation of Department or Commission position on bills to the legislature or individual legislators unless an official position has been adopted."

Director Mickins discussed the significance of this Memorandum for the HRC, describing the deliberations of the State Legislation Committee of the City. He noted the delegation to the HRC under Chapter 12A of the City Administrative Code of the role of advising the City regarding issues affecting intergroup tensions.

*****The Memorandum was referred for discussion to the HRC Administrative Committee.

- To Mrs. George R. Moscone and Family, from the HRC members and staff, a letter of condolence on the death of Mayor George R. Moscone, enclosing contributions, as voted by the HRC earlier, to the George R. Moscone Memorial Family Fund, established to provide educational support for the Mayor's four children.

- From George A. Davis, Secretary-Treasurer, Official and Professional Employees International Union, Local 3, AFL-CIO, a general letter inviting attendance at a meeting set for February 12, at 6 P.M., the Department Store Employees Union, Local 1100, at 1345 Mission, regarding a reported notice by Blue Shield to some 1,500 employees that they take a 27% cut-20% in pay, 7% in benefits. Mr. Davis said that Blue Shield had also said it would consider moving out of town if the cut were not taken and 10% more work turned out.

- From Richard R. Heath, San Francisco Director of Airports, a proposed Draft Affirmative Action Policy for presentation to the Airports Commission, with copies also to representatives of Black, Asian, and Hispanic business employment organizations, the Director of Labor Relations for William & Burrow , Inc., and the Manager of the San Francisco District of the Associated General Contractors of California. This Proposed Affirmative Action Policy for San Francisco International Airport was read in full. It called for the Airports Commission to fund the HRC "so that.....professional staff....can be assigned full time to the Airport to assist...a highly effective Equal Employment Opportunity and Affirmative Action Program..." Mr. Mickins said there were some logistic problems with having a full-time staff member of the HRC based at the Airport, given the workload of the Commission and other staffing considerations. However, he felt these issues would be resolved. In ensuing discussion by Commissioners. Mr. Mickins announced that the job classification had not yet been decided upon, but that it would be in contract compliance. Mr. Mickins submitted a proposed $47,000 budget for financial support to the Airports Commission in January to provide two professional and one clerical staff for the work monitoring Airport contracts for affirmative action compliance.

- From James D. Holden, of Rudy, Rapaport and Holden attorneys, requesting a continuance to March 15 or later of the Appeal Hearing in the case of HRC v. North Point Pier Inc. The HRC has charged North Point Pier, Inc. with non-compliance with Chapter 12B of the City Administrative Code. The continuance was requested because of a grand jury proceeding presently being conducted by the San Francisco District Attorney's Office, and a civil action recently filed by the City Attorney against the North Point Center, Inc. Mr. Holden said these two proceedings and the work they entail make it impossible to prepare the case for North Point Pier, Inc. with the HRC.

It was

*****m/s/c that the HRC grant a continuance of the Notice of Appeal Hearing in the case of HRC v. North Point Pier, Inc., to March 29, 1979 at 9:15 A.M. at a place to be announced. The February 15 date for this Appeal Hearing was cancelled.

- From Mr. Leon Levy, of Synanon, requesting a response to his written concerns regarding the arrest status of Mr. Charles Dederich. This response is in the mail to Mr. Levy. Director Mickins noted that a national coalition of prominent civil rights spokespersons has been formed regarding this case.

DIRECTOR'S REPORT

- Wastewater Management Affirmative Action Program.

The Finance Committee of the Board of Supervisors on February 7 voted to send to the full Board an appropriation of $25,334 (recommendation of the Office of the City Budget Analyst) to provide for two HRC professional and one clerical staff positions to do affirmative action monitoring of the Wastewater project. The funding is to cover four months, or the remainder of the current fiscal year. The HRC had requested a sum substantially larger than this nearly two years ago ($135 000). There will have to be a supplemental allocation for the 1979-80 fiscal year. Mr. Mickins read in full the Budget Analyst Memo considered by the Finance Committee February 7.

In October of 1977 the Board of Supervisors approved the concept of increasing the HRC staff by using Wastewater Management and (then Yerba Buena) George R. Moscone Convention Center funds to provide affirmative action monitoring of these programs.

The Budget Analyst Memo points out that the three persons currently doing affirmative action work for the Wastewater Management Program are not City employees. It affirms that "...the HRC staff must approve all contracts and performs a compliance and monitoring role. The Wastewater Management Program is entering a phase of greatly increased construction....requiring more staff in the monitoring of HRC activities."

The appropriation legislation voted February 7 was sponsored by Supervisor Ella Hill Hutch.

At the request of Commissioner Mezey, the Youth & Education section of the agenda was taken ahead of its assigned place.

It was

*****m/s/c that the agenda be changed to permit a member of the audience to speak on the Youth & Education Committee portion at this time.

It was also

*****m/s/c to consider a proposed Resolution at this time without previous information and discussion on it.

STANDING COMMITTEES

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- Committee Report

The San Francisco Unified School District budget was the topic of discussion at the recent Youth & Education Committee. The guests were Ms. Pegge Lacey, Legislative Liaison for the District, and Mr. Thomas J. Sammon, Project Director, Emergency School Assistance Act Pilot. Ms. Lacey outlined the proposals presented to the Board of Education by the Superintendent of Schools and possible ways of obtaining additional funding. Also at this meeting was Ms. Margel Kaufman, of a new statewide coalition, Friends of Public Schools.

Ms. Kaufman then summarized the principal goals of this coalition. She said that Friends of Public Schools, headed by Wilson Riles, State Superintendent of Education, is organized in every California county, and that it includes parents, teachers, board members, superintendents, administrators, and others. The membership is concerned the grave effects of another state "bailout" bill such as occurred last year after the passage of Proposition 13.

Ms. Kaufman read the following formal statement of the goals of Friends of Public Schools as adopted in November of 1978:

PUBLIC EDUCATION BEING THE MAINSTAY OF A DEMOCRATIC SOCIETY:

We believe the public schools of California must be maintained and improved for the purpose of helping all children develop their fullest potential and become contributing members of society.

We believe the following to be essential in this process:

- School financing must be long range, predictable and reliable in providing an adequate and equitable base level of support for all children.

- That categorically funded programs be continued to meet the special groups such as the handicapped, educationally disadvantaged and those who are either limited or non-English-speaking; and, by the nature of their guidelines require a shared responsibility between the parents and the schools for results.

- That funds continue to be provided for use at the school site level for the parents, teachers and administrators to jointly plan, implement and evaluate school improvements and innovations they believe to be of most benefit to their children.

- That adequate funding must be provided to assure educational employees a just salary and cost of living increase.

Ms. Kaufman urged HRC support of these goals. She referred to State Senate Bill 234, introduced by Senator Ralph Dills, which incorporates all of the school finance criteria, and which is to be debated later this month.

She announced an organizational meeting of Friends of Public Schools for February 15 at 7:30 P.M. at West Portal school. Another meeting on March 16 will be held at Mission High School.

Ms. Kaufman then responded to a number of questions from Commissioners Yamakawa, Morrissey, and Maxwell.

It was then

*****m/s/c to adopt the Resolution Supporting Friends of Public Schools. The full text of this Resolution is attached to these Minutes.

EMPLOYMENT
Carlota del Portillo, Chairperson
Vernon Alley, Co-Chairperson

- Report on Minority Business Enterprises' Participation in City Construction Contracts - 1978-Stanley Lim, HRC Contract Compliance Officer.

This is Mr. Lim's second report on the status (as of November 30, 1978) of the participation of minority business enterprises in City construction contracts monitored by the HRC. The first was in October of 1977. The current report also is the fourteenth in a series of affirmative action activities progress reviews in City construction contracts since 1970.

The report covers 35 active contracts awarded by the City Airports Commission, the Department of Public Works, the Wastewater and Moscone (formerly Yerba Buena) Convention Center projects, and the Port of San Francisco. Contracts awarded by the Public Utilities Commission are not included in this report.

Mr. Lim's full report includes a narrative description supported by statistical tables. Copies of the full report may be obtained by contacting Mr. Lim at the HRC offices.

More minority contractors (ninety now are engaged in City work) than ever before are now involved in City construction, Mr. Lim said. Every contract within the scope of the HRC's affirmative action requirements (under Chapter 12B of the Administrative Code) now has substantial minority participation.

As of November 30 last year, 35 active construction contracts were being monitored by the HRC. These contracts totaled $300 million, up from the total of $197 million in 1977. Minority businesses held contracts worth $37,817,228 of the $300 million total, a new record for their participation. This was 15.2% of the total, compared to the 11.9% or $9 million participation in 1977.

By ethnic groups, the breakdown of contracts held was:

Black:	$15,465,567	(6.2%)
Spanish Origin:	$15,288,978	(6.2%)
American Indian:	253,860	(0.1%)
Asian:	4,770,091	(1.9%); and
Minority Truckers:	2,047,732	(0.8%)

The combined Black and Spanish Origin of $32 million comprised 81% of the total minority participation figures, while Asian, Chinese, Japanese, Philipino contractors carried 12.6% and minority truckers 5.4%. American Indian participation, while only 0.7%, was a move up from their nonparticipation in 1977.

The minorities' $37.8 million share represents an increase of 330% in terms of dollar volume for minority business enterprises when measured against an increase of slightly more than 200% in the total cost of all construction contracts in force as of November 30, 1978. Statistical charts showed minority business participation on a contract-to-contract basis.

Mr. Lim said that the ninety minority firms now holding City contracts cover a wide range of work, from general contracting to specialized engineering. More than half of the firms are bidding for City work for the first time, while others have been obtaining City contracts frequently. There is still difficulty in ascertaining why more minority firms do not bid. More than 800 minority-owned firms are listed in the current MBE Directory of the San Francisco Redevelopment Agency.

The largest contract awarded to a minority business on a City contract is nearly $8 million. The smallest has been for $1,000. Among the ninety minority contractors are some Pilipino-owned firms, and a few American Indian firms, but no minority women-owned companies.

One area of virtually full employment in San Francisco, according to Lim, is the minority trucking business. The unprecedented amount of earth removal and land-fill activity in the Wastewater Project, and the mass excavation of the Moscone Convention Center site since the summer of 1978 have made it possible for nearly all minority truck owners and operators to be fully utilized. This is possible, however, because a special provision in the HRC's affirmative action requirements for these projects assists the minority operators in obtaining these jobs.

Mr. Lim was urged by Commissioners Lyon and Mezey to seek out minority/women-owned firms for any City department workshops to assist minority bidders. Mr. Lim said that so far the efforts of the HRC to convince the City's major departments to mount well-coordinated publicity campaigns to attract minority businesses and conduct such workshops has met little response save in the Wastewater and Moscone Center projects.

Only 23 MBE firms are San Francisco-based; most are from the Bay Area counties, with a few based out of state.

The MBE participation in one Wastewater project (Contract "P"), MBE participation is $21 million, covering almost every aspect of the work and possibly the highest amount ever awarded to minority contractors in a single contract in northern California.

Minority contractors, Mr. Lim noted, have a high rate of completion of contract, based on the HRC's selective survey

Problem areas continuing in this work include:

1. Continued understaffing at the HRC, where one permanent contract compliance representative and one CETA worker also have additional compliance tasks.

2. The inability to obtain precise information on the extent of nonminority women-owned contracting firms in the area.

Mr. Lim said that the basic Affirmative Action Program of the HRC is "working well," and staff has just completed revising the MBE section of this program. It is hoped that a grant from the Community Development Program will enable the addition of one staff person at the HRC to service contracts between $10,000 and $250,000 which have not been monitored to date because of understaffing.

The HRC, Mr. Lim announced in his report, is now entering into a service agreement with a professional auditor to augment its monitoring process, under a limited grant from the Moscone Convention Center project. If it is found that a firm bidding for a minority enterprise consideration does not qualify for bona fide minority status, the HRC staff so informs the HRC Director who, in turn, will issue a Finding forwarded to the awarding agency. The awarding agency, say, a City department, will then take appropriate action, which may be to declare the bidder ineligible to participate.

To Commissioner Morrissey's inquiries about the use of the terms "small" and "socially and economically disadvantaged" as relating to defining firms qualifying as minority-owned, Mr. Lim went into detail on how the latter term is applied. Director Mickins pointed out that the SBA and OMBE (Office of Minority Business Enterprise) agencies, which use "socially and economically disadvantaged," do so in the context that anyone, not only minorities, would qualify. Thus at least 30% of the SBA clients are not minority; and 30 to 35% of the OMBE funding goes to nonminority businesses. The HRC, he said, is researching the ramifications of these varying definitions before making any final recommendations.

Mr. Lim credited the apparent success of the ninety minority contractors not only to the HRC's implementation of its affirmative action policy, but also to the cooperation of others working with it, from awarding departments to assistance groups.

The future, he said, is promising. The Airport expansion and capital improvements project and possible future development at the Port through semi-private projects are factors in his projection that the 15.2% minority business participation figure will increase in 1979, he said.

It is hoped, he reported, that those in the private sector and other public construction industries will be stimulated to formulate meaningful MBE policies, with the HRC's successful MBEs as a model.

The ultimate goal, he stressed, is for minority and women-owned firms to become mainstream contractors.

In subsequent Commissioner questioning, Mr. Lim said that most minority-owned firms have good records in having well-balanced minority workforces.

HOUSING AND URBAN DEVELOPMENT
Enola Maxwell, Chairperson
Antonio Grafilo, Co-Chairperson

- Proposed Resolution in Support of Amendments to the San Francisco Subdivision Code - Don Hesse, HRC Housing Representative.

Mr. Hesse recalled that the condominium conversion issue has been active in the City for more than a year. It has become more controversial in recent months because of the dramatic increase in these conversions: (In 1976, there were 6 condominium conversions, for a total of 43 units; in 1977, there were 16 such conversions, for a total of 780 units; in 1978, there were 50 such conversions, for a total of more than 1,000 units) Conversion itself might not have become such an issue, he said, if builders and developers had not all but ceased starting any building of rental units saying that the rate of

return from rental property was no longer economically feasible. Indeed, some rental units now under construction will be converted to condomiums. It is reported by the City Planning Department that there currently are less than 100 rental units being constructed in San Francisco.

Commissioner Mezey pointed out that she had heard the argument that condominium conversion and the lack of rental housing construction are reflections totally of the fear of rent controls.

Mr. Hesse referred to the condominium conversion regulations that the Board of Supervisors passed in 1974, triggered by apprehensions of longterm residents of the Park Merced apartment complex on the western edge of the City. This required, for example, 35% tenant approval for structures over 50 units, and was aimed at large complexes.

In the Fall of 1977, the City Planning Department staff prepared new legislation to deal with greatly increased condominium conversion. Its recommendations for legislative amendments were passed by the Planning Commission in February of 1978. They were sent to the City Attorney for review. The amendments did not return to the City Planning Department from the City Attorney until January of this year, by which time the increase in conversions was even more substantial. The recommendations finally approved by the City Attorney included:

---units could not be sold for more than an amount equal to 156 times the rental of the unit.

---35% tenant approval on any development over five units.

---six-month renewable leases for elderly persons for every year residency.

---moving expenses of $1,000 for anyone who had to relocate.

The Planning Department discovered that developers were more than willing to meet these conditions. One developer owning a 240-unit building was willing to agree to all conditions because his purchase price of the building was $4 million, while from sale of the units, even granting lifetime leases and keeping sale prices fairly moderate ($40,000 per unit), he would realize $11 million.

The Planning Department had decided to amplify its recommendations and community coalition, San Franciscans for Better Housing, also has proposed more strict requirements. A representative of this group brought its recommendations to the Housing and Urban Development Committee. They include:

- That the City declare a moratorium on all condominium conversions until a five percent (5%) vacancy rate in rental housing exists in the City;

- That, if the 5% rate is reached, no conversion be approved unless the subdivider can demonstrate that at least fifty percent (50%) of all tenants agree to purchase units in the building;

- That, if a conversion is approved, all elderly tenants (62 years of age or older) be granted lifetime leases, with rent increases limited to the increase in the cost of living.

The City Planning Department staff recommendations (they do not call for a moratorium on conversions) to the Planning Commission are that:

- When the rental vacancy rate is [illegible] 3%, the subdivider (agreement to purchase would not bind the tenants to buy, however) must prove that 80% of all tenants have agreed to buy units;

- When the vacancy rate is between [illegible] and 5%, that 50% of the tenants must agree to buy units;

- Six-month lease rights be kept for every year a person 62 or older has been resident, adding that tenants over 75 be given lifetime leases.

The Planning Commission will consider these recommendations from its staff this month.

The Housing and Urban Development Committee, in drafting its proposed Resolution, included a prohibition against denying purchase rights in a condominium conversion because of children in the family or on the basis of sexual orientation of a potential buyer.

Commissioner Morrissey stated that he felt that the HRC did not have adequate expertise to make recommendations on details of how condominium conversions could be legislated. He offered an amendment that would have eliminated specific recommendations, stating that the HRC would endorse action as may be necessary by the Board of Supervisors to encourage an increase in rental units of San Francisco.

*****This amendment was defeated 8-1.

He then offered an amendment that would have added "landlord's cost of operation" to the stipulation that rent increases be limited to the increase in the cost of living for elderly tenants granted lifetime leases. This amendment did not receive a second.

Mr. Hesse said that there are varying figures for the current rental vacancy rate in San Francisco, ranging from 3% to 6%, with 3% more widely accepted.

It was then

*****m/s/c that the HRC adopt the Resolution in Support of Amendments to the San Francisco Subdivision Code. The full text of this Resolution is attached to these Minutes.

NEW MATTERS

- Black Leadership Forum Concerns About Speculation

Commissioner Mezey asked if a Standing Committee of the HRC should not consider a recent meeting of the Black Leadership Forum, as reported in the press, concerning the amount of real estate speculation, allegedly heavily by Gay people, in the Western Addition and other sections of the City. Both the Housing and Urban Development Committee (Commissioner Maxwell) and the Gay Advisory Committee (Commissioner Lyon) are presently dealing with this issue and it will be the subject of an upcoming Housing and Urban Development Committee meeting.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, February 22, 1979 at 9:15 A.M. in the Third Floor Commission Room in the Main Library.

STANDING COMMITTEES

Administrative	Thursday, February 15, 1979 9:30 - 10 A.M. [illegible] Offices, Room [illegible] 1095 Market Street, San Francisco, Ca
Employment	Thursday, February 15, 1979 9:30 A.M. Cathedral House Library Grace Cathedral 1051 Taylor Street - San Francisco, Ca

Gay Advisory	To Be Announced
Housing & Urban Development	To Be Announced
Police Liaison/Social Issues	Tuesday, February 20, 1979 4 P.M. HRC Offices, Room 509 1095 Market Street San Francisco, Ca
Youth & Education	Thursday, February 15, 1979 3:30 P.M. Thursday, March 1, 1979 3:30 P.M. Cathedral House Library Grace Cathedral 1051 Taylor Street San Francisco, Ca

No Remarks From The Audience

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:gb:pa
2/14/79

RESOLUTION IN SUPPORT OF AMENDMENTS TO THE
SAN FRANCISCO SUBDIVISION CODE

WHEREAS, there has been a significant increase in condominium conversions in San Francisco in recent years; and

WHEREAS, these conversions have occurred at a time when residential vacancy rates are low, yet it remains financially unfeasible to build multi-unit rental housing; and

WHEREAS, under these circumstances, conversions deplete the rental housing supply, and cause hardship for persons who wish to rent, or are not able to purchase; and

WHEREAS, this hardship is most severly felt by the elderly who are generally less mobile, and for whom condominium ownership is not a practical alternative; and

WHEREAS, conversion removes housing units from the protection of San Francisco's ordinances prohibiting discrimination because of the presence of children in the family or on the basis of sexual orientation,

NOW, THEREFORE BE IT RESOLVED that the Human Rights Commission endorse the following amendments to the San Francisco Subdivision Code and recommend their adoption by the Planning Commission and the Board of Supervisors:

1) that the City declare a moratorium on all condominium conversions until a five percent (5%) vacancy rate has been attained;

2) that, in the alternative or if the five percent rate is reached, no conversion be approved unless the subdivider can demonstrate that at least fifty percent (50%) of all tenants have agreed to purchase units in the building;

3) that, if a conversion is approved, all elderly tenants (62 years of age or older) be granted lifetime leases with rent increases limited to the increase in the cost of living; and

BE IT FURTHER RESOLVED, that the City amend the Subdivision Code to assure that no unit which has been converted from a rental to a condominium can be denied to a potential purchaser or applicant because of the presence of children in the family or on the basis of the potential occupant's sexual orientation.

Resolution 3-79
Adopted by HRC 2/8/79

mh
2.14.79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

RESOLUTION

Supporting Friends of Public Schools

WHEREAS, all children have the right to a free, quality, public education; and

WHEREAS, the California public schools in general and the SFUSD, in particular, have had their revenues sharply reduced due to the passage of Proposition 13; and

WHEREAS, Friends of Public Schools was formed in November, 1978 to mobilize financial support for the public schools of California; and

WHEREAS, Friends of Public Schools is a broad-based, open membership, state-wide coalition with local chapters in every California county; and

WHEREAS, Friends of Public Schools is committed to public education as the mainstay of a democratic society;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission of San Francisco support the intent of the Friends of Public Schools to seek funding for public education.

Resolution 2-79
Adopted by HRC 2/8/79

pa
2/14/79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of February 22, 1979

NEXT MEETING: Thursday,
February 22, 1979
9:15 A.M.

Commission Room, Third Floor
Main Library, Civic Center

NOTE

MAR 6 1978

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Carlota del Portillo, Rev. W. R. Drummer, John Morrissey, Donna Solomon.

Excused: Rabbi Alvin Fine, Sister Bernadette Giles, Antonio Grafilo, Sylvester Herring, Phyllis Lyon, Enola Maxwell, Caryl Mezey, Dan Silva, Nadim Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Luis Escobar, Joe Meza, Gail Roberts, Emmett Rosebrough, Essie Thomas.

Pledge of Allegiance

Minutes of February 8, 1979, not approved due to lack of a Quorum.

COMMUNICATIONS

- From George A. Davis, Secretary-Treasurer, Office & Professional Employees International Union, Local No. #3, AFL-CIO, urging the HRC to write Blue Shield of California supporting the employees and the union in their protest of announced company plans, according to the union, to reduce workers' salaries as a condition of retaining company headquarters----and jobs----in San Francisco.

- From Evelyn Badell, a private citizen, seeking HRC assistance in obtaining Uruguayan passports (to replace those lost and/or burned) for her two children.

- From Marian Christensen, Coordinator, EEOC Task Force, and Regina Marchione, Staff, Women Organized for Employment, announcing a public hearing on the reorganization of the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance on Tuesday, March 20, 1979, from 5:30 to 6:30 p.m., at the Wells Fargo Bank Building, 5th Floor Conference Room, 44 Montgomery Street, San Francisco.

- To Leon Levy, a member of Synanon, response to his appearance before the HRC at a regular meeting and a follow-up letter seeking HRC action on the conspiracy charge case of Charles Dederich, founder of Synanon, explaining the HRC's inability to involve itself in the legal case of a private individual. The HRC response was read in full to the HRC.

- From Ruth S. Kadish, President, Airports Commission, to Wallace E. Stokes, III, President of the San Francisco Black Leadership Forum, with copies to local, state, and national officials, responding to a complaint originally voiced in a letter from George L. Newkirk, Mr. Stokes' predecessor in office, regarding a lack of Black entrepreneurship opportunities at the Airport. Ms. Kadish attached a reply to the original letter, and repeated the Airport's offer to arrange a meeting to discuss the issues.

- From Lucille Abrahamson, a former member of the Board of Education, thanks for the HRC's Resolution of Commendation to her.

- From Gerald Johnson, President, Black Business Association, inviting the HRC members and staff to a brunch in their honor at El Bethel Church on March 3, 1979, at 11:30 A.M. The Association stated that it "recognizes and is appreciative of the Commission and Staff's active commitment and contribution to minority business development in the Bay Area".

DIRECTOR'S REPORT

- Wastewater Management Affirmative Action Monitoring Grant.

The full Board of Supervisors has voted an appropriation of $25,334, to provide for two HRC professional and one clerical staff positions to do affirmative action monitoring of the Wastewater project. The funding is to cover four months, or the remainder of the current fical year. The Board vote was 10-0. This appropriation request was first made by the HRC, in the amount of #135.000, nearly two years ago.

- Office of Community Development Grant.

A grant of $18,000 has been made by this agency to the HRC to monitor OCD contracts in the $10,000 to $250,000 range for affirmative action. The HRC has pointed out that this amount is less than two-thirds of what will be required by the HRC to fulfill this task, and that a supplemental amount has been requested of the OCD Director.

- Airports Commission.

The HRC is still discussing with the Airport possible funding sources for support of HRC monitoring work on its contracts.

- Commissioner del Portillo asked if the HRC had completed a job classification description for the Airport work. Director Mickins said that HRC staff support would coordinate monitoring of construction, design and engineering consultation and leasing activities at the airport, and that it would coordinate as well minority enterprise opportunity and referral. Commissioner del Portillo asked for copies of the proposed job descriptions, when completed.

- Public Utilities Commission.

The HRC also is still discussing with the PUC the means of handling monitoring PUC contracts, whether by a staff member assigned to the HRC office or located within the PUC office. George L. Newkirk presently is the PUC's Contract Compliance Office.

- HRC Annual Budget.

At the HRC meeting of January 25, 1979, Mr. Mickins explained in detail the HRC's budget as submitted for fiscal 1979 - 1980 in percentiles, as directed by the Mayor's Office, of 83% (whereby about one-third of the HRC's permanent staff would have to be laid off), 88% (one-quarter of the permanent staff could not be retained), 92%, and 95% of the previous year's budget. Mr. Mickins said he expected by March 8, 1979, (the HRC's next regular meeting) that he and staff will have begun discussions with the Mayor's Office to press the HRC budget needs for the next fiscal year. He pointed out that the appropriations for Wastewater and OCD monitoring work at best would help keep the HRC staffing level "as is". However, CETA staffing will change substantially in September of 1979, when practically all of the present long-term HRC contract compliance workers will no longer be eligible, under the new federal limit of 18 months in the program.

STANDING COMMITTEES

ADMINISTRATIVE
Carlota del Portillo, Chairperson

- Consideration of Mayor Feinstein's Memorandum (discussed at the HRC February 8, 1979 Commission Meeting) Regarding City Departments and Commissions Taking Positions on State Legislation.

The Memorandum, sent to all City departments and commissions, spelled out the procedures for a department or commission to follow if it "wishes to express the position of the City" on any bill or bills pending before the state Legislature.

Commissioner del Portillo said that the Administrative Committee had obtained a copy of that portion of the City Administrative Code (Article III State Legislation Committee. Sections 5.5 through 5.11) and determined that the HRC is obligated to submit its recommendations for positions on state legislation to the State Legislation Committee, which is charged with formulating..."...recommendations for endorsement, opposition or neutrality with respect thereto, as matters of policy of the city and county." (Sec. 5.6).

The State Legislation Committee has public meetings every second and fourth Friday in Room 282, City Hall. The Mayor acts as chairperson and a number of other City officials are members.

EMPLOYMENT
Carlota del Portillo, Chairperson
Vernon Alley, Vice-Chairperson

- Contract Compliance by City Suppliers-Alberta Grant, HRC Contract Compliance Officer.

Due to the lack of a Quorum and the importance of this detailed report, its presentation was postponed until the HRC meeting of March 8, 1979.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- Committee Report. - Commissioner Solomon.

Continuing its study of public school suspensions, the experience of teachers, parents, students, and administrators in trying to deal with action which leads to suspensions and with the procedures for such action, the Committee, which heard and reported earlier on the experience of some Middle School principals in the San Francisco Unified School District, heard at its most recent meeting from representatives of several High Schools (Balboa, Washington, Wilson, Bayview Hunters Point Education Complex).

Suspensions at this level overall are lower than at this time last year, in one school a 30% reduction. The school representatives (three assistant principals and the Superintendent of Area II/Coordinator of the Bayview Hunters Point Education Complex) credited the establishment of codes of discipline with faculty and student involvement, changes in teacher orientation of new students to discipline codes, attitudes, close work between parents and school counsellors, and an increase in the number of counsellors. Title I (of the federal Elementary Secondary Education Act) money is becoming available to hire counsellors, paraprofessionals, and support staff. Programs are now being developed to assist in lowering the suspensions rate in all SFUSD middle and high schools. Parent involvement was stressed as a vital factor in helping reduce suspension rates.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 8, 1979, at 9:15 A.M., in the Third Floor Commission Room of the Main Library.

- An appeal hearing before the full HRC in its noncompliance case against North Point Pier, Inc. (the operators of the Pier 39 commercial Embarcadero complex) was continued to March 29, 1979, at 9:15 A.M., in Room 710, the Hearing Room of the Commission on the Aging, at 1095 Market Street.

STANDING COMMITTEES

Employment	Thursday, March 1, 1979, 9:30 A.M. Grace Cathedral, Cathedral House Library 1041 Taylor Street
Gay Advisory and Housing and Urban Development Joint Meeting	Wednesday, March 7, 1979 9:00 A.M. Room 509, 1095 Market Street HRC Offices
Ordinance Revision	To Be Announced
Police Liaison/Social Issues	To Be Announced

Youth & Education — Thursday, March 1, 1979, 3:30 P.M.
Thursday, March 15, 1979, 3:30 P.M.
Grace Cathedral House Library
1051 Taylor Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM/JC/ew

F
80
2
8/79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of March 8, 1979

NEXT MEETING: Thursday,
March 22, 1979
9:15 A.M.

Commission Room Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

ROLL CALL

Commissioners

Present: Vernon Alley, Sister Bernadette Giles, Phyllis Lyon, Enola Maxwell, Caryl Mezey, Donna Solomon, David Yamakawa, Rev. W.R. Drummer. (Chairperson Yamakawa presided)

Excused: Carlota del Portillo, Rabbi Alvin Fine, Antonio Grafilo, Sylvester Herring, Dan Silva, John Morrissey, Nadim Zaroür

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Alberta Grant, Stanley Lim, Joe Meza, Gail Roberts, Emmett Rosebrough, Lydia San Fillippo, Essie Thomas.

Lois Winge, observer from the League of Women Voters

Pledge of Allegiance

Minutes of February 8, 1979 and February 22, 1979, approved.

COMMUNICATIONS

- From Gil Brigham, Director, Citizen Assistance Center, thanks to Director Mickins for his letter endorsing the grant proposal to establish a Rental Affairs Council in San Francisco.

- From Robert Kahn, Chairperson, Development Committee, United Way of the Bay Area, acknowledging receipt of the HRC endorsement of the West Bay Pilipino Multi-Service Corporation.

- From Robert Fenlon, M.D., President, San Francisco Regional Cancer Foundation, announcing a public education meeting on: "Communicating with the Cancer Patient," to be held at the Forum, Fireman's Fund Building, 3333 California Street, from 8 to 10 P.M., March 27, 1979.

- To Commissioner Caryl Mezey, expression of the HRC's condolences on the recent death of her father.

- To Gerald W. Johnson, President, Black Business Association, the thanks of the HRC members and staff for being honored at a brunch held at El Bethel Church on March 3, 1979. More than 100 persons, including five members of the Board of Supervisors and State Senator Milton Marks, were in attendance. The Association's tribute, spoken by Mr. Johnson, was that the HRC has "blazed new paths for minority business development."

DIRECTOR'S REPORT

- Public Hearings on City Budget

Director Grant Mickins attended two recent public meetings sponsored by the Mayor's Office to consider community input on proposed departmental budgets. One was on March 1st at William Cobb School, and the second on March 3rd at Everett Middle School. There were no questions challenging the HRC's budget at either of these meetings, Mr. Mickins said. Both meetings were chaired by Mayor Feinstein.

- Wastewater Program Affirmative Action Funding

The Board of Supervisors has approved the grant of $25,334 from the Wastewater program to fund HRC affirmative action monitoring for the period of March 1st through June 30th. The HRC will have to submit a supplemental budget to cover the full fiscal year beginning July 1, 1979.

The Mayor is required to sign this Board action within ten days or it automatically becomes law. Director Mickins said the HRC hopes that this action settles as definitive the issue that the HRC is responsible for affirmative action monitoring in the Wastewater program.

- Office of Community Development Funding

The grant of $18,000 from this federal program for affirmative action monitoring by the HRC was announced previously. The HRC is asking that this grant be increased to $26,000, to include fringe benefits and minimum journeyman salary at the Representative level.

STANDING COMMITTEE

EMPLOYMENT

Carlota del Portillo, Chairperson;
Vernon Alley, Vice-Chairperson

- Contract Compliance Work With City Suppliers - Alberta Grant, HRC Affirmative Action Officer.

Ms. Grant gave the highlights of a two-part written report, supported by statistics, that had been provided Commissioners in advance of this meeting, and discussed in detail at the Employment Committee.

The report covers the HRC's new approach to the awarding of City contracts by obtaining formal agreements with each department and commission for the implementation of the Nondiscrimination Ordinance (Chapter 12B of the City Administrative Code) with all contractors bidding for City business. In November and December of 1978, the HRC's formal notice to all departments that it was instituting affirmative action coverage for all City contracts went to approximately forty major City departments. Meetings were then held with each department to set up definite procedures for HRC involvement in contracts proposed for award through the following means:

1. Solicitations of Request for Proposals
2. Negotiation
3. Pre-bid and/or
4. Pre-award.

This means that the HRCiis to be notified in advance of the awarding of contracts thus, giving it prior approval (for conformity with affirmative action guidelines and rules) of all City contracts.

The HRC has met with the forty major departments heads to date to implement the following:

1. Assurance that a copy of Chapter 12B is included in all contracts.
2. Assurance that the contractor will take affirmative action in employment and treatment of employees.
3. Assurance that the contractor, in order to be eligible to bid or have a bid considered, submits an affirmative action program meeting the HRC requirements.
4. Assurance that the awarding agency (department) is responsible for notifying all prospective bidders of the requirements of Chapter 12B, and for notifying the HRC of each contract being proposed to be put to public bid.

The HRC has with Joseph Gavin, City Purchaser, through whose department huge sume of money are paid each year to the myriad contractors providing goods and services. On December 13, 1978, the HRC provided copies of its Procedures to Implement Affirmative Action Requirements for Suppliers for contracts more than $50,000 to the City Purchaser's Office. This included a three-page HRC questionnaire, evaluation procedures, and criteria (e.g., "rating the affirmative action posture of each company...and noting any disqualifying features...").

A sample of this questionnaire was attached to Ms. Grant's report. It provides the prospective supplier/bidder with information on business participation, employment, and compliance; it notes goals and timetables covering affirmative action will be established as part of an overall affirmative action agreement; and it outlines the HRC's review part of the selection process. The questionnaire is returned to the Purchasing Department, then sent to the HRC for evaluation. If it is not complete, or if, for example, the section calling for statistical workforce breakdown data is not filed, HRC notifies the City Purchaser that the company is ineligible to bid.

Part Two of Ms. Grant's report covered the status of those City suppliers being monitored by the HRC prior to the "new approach" outlined above. In the past, because of the diverse types of companies doing business with the City, selection of those to be monitored from the many separate bidder lists in the Purchasing Department became extremely difficult. The new prior approval (to bid or award of bid) policy of the HRC was designed to alleviate this problem in part.

In the past, much of the HRC's information came from community-based organizations specializing in affirmative action recruitment which had problems with companies. The importance of prior approval can be seen when the monitoring problems can be anticipated and corrected before a contract award is made.

Seventeen companies, most of them long-term City contractors holding contracts for substantial amounts, were covered in this part of the report (Part Two). For example, two companies alone provide all garbage collection services in the City, holding contracts with the City exceeding $1 million. These two companies, however, have a workforce of less than 100 persons, while another well-known firm (Cutter Laboratories) bidding on contracts on a short-term basis, has a workforce of 17,000. Statistical data revealed the following:

1. Minorities are slowly gaining a wider representation in the workforce. However,while the total number has increased (for 1978), the percentage participation dropped from 26% in 1975-76 to 19%.

2. Minority males continued to be represented primarily in the semi-skilled laborers and service categories, with minimum participation above clerical levels.

3. Women continued to be well-represented in jobs above the clerical. Many of the above-clerical positions tend to be promotional, therefore the HRC will emphasize (in its prior approval negotiations) entry-level hiring and outside recruitment for officials and managers, sales people, professionals, and technicians. In addition, Ms. Grant said, pre-award negotiations also will stress identification of minorities and women employees with potential for being promoted.

The HRC again will require companies to establish an Affirmative Action File, the primary purpose of which is to keep the employer in contact with community-based minority referral agencies.

All seventeen of the companies included in this report (in Part Two), which covered through December of 1978, had affirmative action problems, Ms. Grant said. Thus the HRC is working with them on these specific areas in order for them to continue to be eligible to bid for City contracts. In the meantime, the HRC has granted them conditional approval, until the improvements are made and submitted. It is anticipated, Ms. Grant said, that most companies will make the needed improvements, such as adding sexual orientation to the protected categories in Chapter 12B, and breaking down the Asian category into Chinese, Japanese, and Filipino.

Ms. Grant described how much more effective the HRC's affirmative action monitoring work has become under the new approach and with the cooperation of all City departments in obtaining compliance under the prior approval operation.

POLICE LIAISON/SOCIAL ISSUES

John Morrissey, Chairperson;
Sylvester Herring, Co-Chairperson

- Recommended Adoption of Recommendations on Charge Bargaining.

In the absence of Commissioners Morrissey and Herring, Jack Casford, staff for the Committee, introduced this subject.

Material sent in advance of this meeting for Commissioner study included a draft of a letter it was proposed be sent Robert J. Drewes, Presiding Judge of the Juvenile Court, making five recommendations on the process of charge bargaining as now used by the Court.

The charge bargaining issue was delegated for study by the Police Liaison Committee(which previously was separate from the Social Programs Committee).

That committee held a number of discussions on the issue, with input from community people and professionals in law enforcement and juvenile fields, and with consideration of a formal study by Mary Bangston done in 1977. Only members of the former Police Liaison Committee voted to forward the five recommendations, since members of the former Social Programs Committee had not participated in their discussions during 1978.

After discussion, it was
*****m/s/c to adopt the five recommendations and forward them in the letter to Robert J. Drewes, Presiding Judge, Juvenile Court.

The recommendations are:

1. That the Juvenile Court establish and implement written criteria for the placement of juveniles;

2. That there be a division of assignments, to the extent practicable, within the Probation Department, so that staff who work closely with youth and communicate in confidence with them will not also do investigative work for the Juvenile Court;

3. That informed consent by the parent or guardian be obtained by the Juvenile Court for charge bargaining and/or placement arrangements made involving a minor child for whom that adult has legal responsibility;

4. That those departments involved in juvenile justice, especially the Public Defender's Office, the Probation Department, and the District Attorney's Office, should have their staff increased to the level consistent with effective functioning; and

5. That relevant data regarding the charge bargaining criteria be included

in the Juvenile Court Annual Report. This should include data on the following items: 1) amount of charge bargaining; 2) age, race, sex distribution; 3) original and bargained counts; and 4) dispositions on bargained petitions.

YOUTH AND EDUCATION

Sister Bernadette Giles, Chairperson;
Donna Solomon, Co-Chairperson

- Recommendation to Endorse State Senate Bill 234 (introduced by Senator Ralph Dills) Providing Adequate Financing for Public Schools - Commissioner Solomon.

Commissioner Solomon announced that this bill was passed, 8 to 0, by the State Senate Education Committee on March 7th. It now goes to the Senate Finance Committee. Ms. Pegge Lacey, the Legislative Liaison for the San Francisco Unified School District, has discussed this bill and others similar to it in detail with the Youth & Education Committee. The Board of Education endorsed Senate Bill 234, which contains some of the guidelines the Board had recommended for dealing with the approaching public school financing crisis in the state. Senate Bill 234 would have categorical, not block grant money; it would provide multi-not single-year funding; it would have an inflationary percentage built into it; and it is anticipated that SB 234 would help reduce the District's anticipated $23 million deficit to $10 million.

It was

*****m/s/c that the HRC endorse Senate Bill 234 by adopting the Resolution Endorsing Senate Bill 234 (Senate Ralph Dills) Providing Adequate Financing for Public Schools. The full text of that Resolution is attached. The Resolution urges that the City's State Legislation Committee and/or the Board of Supervisors adopt it as the official City position.

NEW MATTERS

- Proposed Federal Cutbacks on Summer Youth Program.

Commissioner Maxwell reported grave concern in her community about announced federal plans to eliminate 14-year-olds from the Summer Youth Program. "Given the high unemployment of these youth and their families," Commissioner Maxwell said," it is a serious mistake to make this kind of cut in programming. At her request,
*****Chairperson Yamakawa assigned this subject to the Youth & Education Committee for study.

- Commissioner Mezey thanked the members of the HRC and staff who wrote letters of condolence to her after her father's death..

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 22, 1979, at 9:15 A.M., in the Third Floor Commission Room of the Main Library.

- An appeal hearing before the full HRC will be held Thursday, March 29, 1979, at 9:15 A.M., in Room 710, the Hearing Room of the Commission on the Aging, at 1095 Market Street, on the HRC noncompliance findings against North Point Pier, Inc., operators of the Pier 39 commercial Embarcadero complex.

STANDING COMMITTEES

Employment	Thursday, April 5, 1979, 9:30 A.M. Grace Cathedral House Library 1041 Taylor Street
Gay Advisory	Tuesday, April 3, 1979, Noon Room 509, Human Rights Commission Office 1095 Market Street
Housing & Urban Development	Wednesday, March 14, 1979, 9:00 A.M. Room 509, Human Rights Commission Office 1095 Market Street
Ordinance Revision	To be announced.
Police Liaison/ Social Issues	To be announced.
Youth & Education	Thursday, March 15, 1979, 3:30 P.M. Thursday, April 5, 1979, 3:30 P.M. Grace Cathedral House Library 1041 Taylor Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

Attach

HUMAN RIGHTS COMMISSION OF
THE CITY AND COUNTY OF SAN
FRANCISCO
1095 MARKET STREET- #501
SAN FRANCISCO CALIF. 94103

Resolution Endorsing State Senate Bill 234 (Senator Ralph Dills)
Providing Adequate Financing for Public Schools

WHEREAS, further drastic reductions in the financing of the San Francisco public schools would do irreparable harm to those schools; and

WHEREAS, the viability of San Francisco is dependent upon well-financed public education; and

WHEREAS, the San Francisco Board of Education strongly endorses Senate Bill 234 because it provides adequate financing for the public schools;

THEREFORE, BE IT RESOLVED that the Human Rights Commission of San Francisco endorse Senate Bill 234; and

FURTHER, BE IT RESOLVED that the Human Rights Commission request that the State Legislation Committee or the Board of Supervisors endorse Senate Bill 234.

Resolution 2/79
Adopted by HRC 3/8/79

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22/79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Mintues of the Meeting of March 22, 1979

NEXT MEETING: Thursday,
April 12, 1979
9:15 A.M.

Commission Room Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

APR 5 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Sister Bernadette Giles, Antonio Grafilo, Sylvester Herring, Phyllis Lyon, Enola Maxwell, Caryl Mezey, John Morrissey, Donna Solomon.

Excused: Carlota Texidor del Portillo, Rev. W.R. Drummer, Rabbi Alvin Fine, Dan Silva, Nadim Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Luis Escobar, Linell Harden, Joe Meza, Gail Roberts, Emmett Rosebrough, Lydia San Filippo, Essie Thomas.

Lois Winge, observer from the League of Women Voters.
Robert Todoki, journalism student, San Francisco State University.
Pledge of Allegiance
Minutes of March 8, 1979, approved with two minor corrections:
Under Communications, page 1, it is Roberta not Robert Fenlon, M.D. President, San Francisco Regional Cancer Foundation.
page 3, second paragraph, the first sentence should read: The HRC has an agreement with Joseph Gavin, City Purchaser, etc. etc.

COMMUNICATIONS

- From Harvey M. Rose, Budget Analyst, Board of Supervisors, a memorandum sent to all department heads giving the schedule and other pertinent information about meetings of the Finance Committee of the Board on 1979-1980 Departmental Budgets. The HRC is fourth on the listing of those City departments that will be heard Thursday, April 19 beginning at 2 P.M. in the City Hall Hearing Room (228).

- From The Rev., Dr. A.C. Uhalde, Jr., pastor of Bethany United Methodist Church, thanks to the Director of the HRC for his hospitality and assistance to two visitors, members of the Buraku Liberation League, from Japan. Buraku refers to a segment of Japanese society that suffers from discrimination.

- From Mrs. Gina Moscone, widow of the late Mayor George Moscone, thanking the HRC and its staff for their contributions and letter expressing condolences to her and her children following the Mayor's assassination. Mrs. Moscone added a personal, hand-written note of thanks.

- From Michael Huynh, Director, Center for Southeast Asian Refugee Resettlement, a newsletter explaining the work and needs of the center, based at 2256 Van Ness Avenue, San Francisco, Calif., 94109 (885-2743). Contributions of linens, blankets, clothing, kitchenware, and offers of temporary housing are needed.

- From Edward L. David, Port Director, Port of San Francisco, responding to the HRC's February 16, 1979 letter to James J. Rudden, President of the San Francisco Port Commission, concerning compliance with the Nondiscrimination Ordinance by prospective contractors in the Ferry Building restoration and development project. This letter was read in full and discussed by Mr. Mickins. He said that the HRC has been concerned that the Port Commission had not been advising its contractors of the requirement to comply with the HRC nondiscrimination ordinance regulations. The HRC met with Mr. David seeking his cooperation to prevent the difficulty that arose with the Pier 39 lease.

- From Irma Honda, Chairperson, Convention Committee, IMAGE de San Francisco (a Spanish-speaking organization concerned with government employment) inviting attendance at the Fifth Annual IMAGE de California State Convention April 5-7, 1979 at the Golden Gateway Holiday Inn.

- From Vince Courtney, Executive Secretary, Local 400, Civil Service Association, Service Employees International Union, seeking the HRC's assistance in investigating charges of harassment, racism, and sexism at the Center for Special Problems. Director Mickins said he will be contacting Mr. Courtney after he has reviewed a packet of materials concerning charges by several parties. Commissioner Lyon, Chairperson of the Center for Special Problems' Advisory Board, said that it was her understanding that these charges are going through the grievance process with the Civil Service Commission.

- From Prudence Kay Poppink, Employment Law Center, (under the HRC Public Disclosure Policy and the Public Records Act) requesting information and copies of documents regarding San Francisco hotel restaurant employment of minorities.

- From Richard B. McCloskey, Vice-President/Controller, D. Zelinsky & Sons, Painting and Decorating Contractors, formally protesting "if the painting contract for the Yerba Buena project (renamed the Moscone Center) is awarded to W. G. Thompson, Inc." Mr. Mickins discussed this protest and the background for it in detail. The HRC had determined that the low bidder on this project (Zelinsky was the second low bidder) was not qualified as a minority business enterprise firm and its bid was rejected. The Zelinsky firm was not selected by the Moscone Center awarding agency. The HRC had no part in selection of the alternative bidder.

- From Grant Wong, a partner in Gayner Engineers, protesting the prospective disqualification of Gayner Engineers as a minority-owned firm.

- From Frederick E. Jordan, P.E., President, Jordan/Avent & Associates, protesting the HRC policy limiting how large a minority consultant firm can be to participate in minority business enterprise bidding. Director Mickins discussed this letter and its contents in detail, including a review of past HRC guidelines. (Mr. Jordan had asked that each member of the HRC receive a copy of his letter; it was read in full at this meeting). Mr. Jordan had hoped to be a joint venture minority contractor on the Wastewater project. He has expressed the wish to speak personally before the HRC on his concerns.

Commissioner Morrissey said that he felt it wrong for any administrative agency to establish guidelines or rules which measured participation based upon size of the firm. In this case, the MBE guidelines recently approved set size limits on subcontracting firms in order to include minority-owned firms in the bid process.

SPECIAL ORDER

1. Board of Supervisors' Resolution of Commendation to Jo Daly, Gay Community Liaison.

Supervisor Lee Dolson presented a framed formal Resolution of Commendation from the Board of Supervisors passed March 20, 1979 to Jo Daly, HRC Gay Community Liaison, who resigned effective March 16, 1979. Supervisor Dolson said that too often commissions have thankless jobs, and that there was a great cost in time of getting involved (in human service work), but that the time was well spent. He expressed the hope that Ms. Daly would continue as a civil/human rights advocate.

Ms. Daly responded with thanks and highlighting some of the accomplishments of her four-year tenure on the HRC:

1. Financial settlements for Gay discrimination clients (pensions, retirement benefits, etc.) totaling more than $100,000.

2. Making sure that commercial institutions incorporate and write nondiscriminatory employment policies that will benefit both present and future employees.

"What we ended up with, "she said," is what should have been to begin with. What we have to continue to do is to work for the kind of justice, acceptable kind of justice, that will remind and teach all of us what humanity is all about."

Ms. Daly said that in her professional visits to other parts of the country she learned of the high regard in which the San Francisco HRC and its work are held. The HRC, she said, has become known as a strong commission, one that means to enforce the laws, and willing to accept the fact that when citizens passed the laws, they wanted them enforced.

She thanked the HRC and the Board.

- HRC Resolution of Commendation to Jo Daly.

Commissioner Phyllis Lyon read in full a Resolution of Commendation to Jo Daly from the HRC and it was
*****m/s/c that it be adopted. The full text is attached to these Minutes.

DIRECTOR'S REPORT

- HRC Budget Status

Director Mickins reiterated his announcement earlier of the schedule for Finance Committee hearings in Room 228 on departmental budgets. The HRC is set for Thursday, April 19, in the afternoon session beginning at 2 P.M.

The HRC is waiting to hear from the Mayor's Office for a date when its budget request to it will be reviewed. The Mayor will send her recommendations for the City Budget to the Board of Supervisors April 2.

Director Mickins said he has heard unofficially that the Mayor hopes to recommend departmental budgets wherever possible at the 95% (of the previous year's budget) level. Commissioner Morrissey pointed out that inflationary increases in office operations and supplies will act ultimately to reduce even this figure. The HRC's annual budget in 1978-79 was $317,000. Mr. Mickins reminded the Commissioners that he must keep two permanent positions unfilled (a Coordinator and a Clerk-Typist) in order to be able to pay full salaries to the other staff.

- Airport Commission Grant

The Airport Commission voted March 20 to develop an affirmative action program applicable to all its construction contractors, consultants, and holders of leases and franchises. It also formally agreed to grant the HRC money for two positions for contract compliance work. Director Mickins has submitted to them a request for $47,000 for this service.

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2. 1978 Complaint Caseload Report - Jack Casford, HRC Representative, This report is compiled for each calendar year from the files of professional staff members at the HRC. This year the HRC is emphasizing that affirmative action is not limited to its work in nondiscriminatory employment, but that its 1,040 complaints for 1978 represent another important form of affirmative action. They are action, taken for individuals with problems; they are affirmative in that they are a response, whether in the form of counsel, referral, follow-up, negotiations, or other assistance, to a human need.

The 1978 total of 1,040 cases was handled by nine professional members, but the bulk of the cases was reported by four, those specializing in employment, housing, gay rights, and public information areas. Four of the staff were non City-funded workers under the federal Comprehensive Employment Training Act program (CETA).

The breakdown by general category for 1978 is:

Employment	254
Housing	186
Gay Rights	330
Education	33
Other (Complaints including personal problems, conflicts with public agencies, many forms of alleged discrimination, and persons with emotional or mental disturbances.)	237
TOTAL	1,040

The numbers tell far more than just the volume of cases. Within them are 1,040 human problems, requiring 1,040 different staff decisions.

This figure does not include the hundreds of routine requests for information about City services, other City departments, and the where-tos and how-tos basic to coping with urban life in the technological age. One veteran HRC contract compliance officer alone took care of approximately 600 requests in 1978 for information and materials pertinent to the HRC's affirmative action program and its rules and regulations.

No small amount of time is spent on one category that covers all to begin with: listening. The HRC staff professional (not forgetting the skilled clerical person who directs complainants to appropriate staff) has to hear complaints, judge what the problem is, judge the nature and demeanor of the complainant and then set about trying to resolve the problem. Resolve it, but being mindful of the restrictions on the HRC's jurisdiction, and on its limitations and on what it cannot do.

The HRC must know how to say "no", but only after having done everything possible to counsel, to refer, to direct, to suggest, to assuage, or to explain. The HRC must know what private and public resources there are in the City. It must know how to tell complainants the limits of these other resources and try to avoid promising someone he or she can get immediate, complete resolution of his or her particular problem. The frustration level of complainants tends to be high because they are referred from one place to another so often.

As in 1977, the most dramatic increase during the past year was in the complaints cases brought by Gay citizens. Since the HRC's nondiscrimination ordinance was expanded three years ago to include sexual orientation as a protected category, the number of cases handled by the Gay Liaison Specialist, Jo Daly, and an intern, Lloyd Cowan, went from 73 in 1976, to 292 in 1977, to 330 in 1978, as noted above.

The Employment staff's 254 total of complaints included everything from routine counseling and referral for an individual to formal charges of noncompliance against major firms holding City contracts in substantial amounts. One of the major areas of Employment complaint-handling is from City Civil Service employees. The bulk of one senior staff person's caseload (145) was made up of employment complaints against the San Francisco Civil Service Commission. Five trends characterized these complaints: failure of job candidates to rights of appeal and redress; lack of promotional opportunities; inability to speak English well; rigid experience requirements; and failure to pass part of the exam procedure, e.g., passing the written exam but not the oral interview. Complaints about rigid pre-exam requisites are declining.

The number of school employment complaints was significantly lower than in previous years. With the loss of one HRC housing aide and the referral of landlord-tenant complaints to the Mayor's Citizen Assistance Center, the housing caseload declined from 384 to 176. Two private volunteer groups and the Council for Civic Unity and their work were credited by the HRC's Housing Representative with considerably relieving the HRC housing complaint caseload.

In the ten years 1969 through 1978, the HRC has handled a total of 9,873 cases, for an average per year caseload of 987. Its fulltime professional staff of Civil Service employees is one less (five) than ten years ago. The smallest annual total was 1969's at 625, and the largest was the 1,182 figure reported in 1977. The caseload, which grew larger every year from 1969 through 1973, has fluctuated between 671 and 1,182 in the years 1974 through 1978. Thus the professional staff continues to handle this large burden of complaints,

and still in addition to their primary workload in implementing the City's affirmative action requirements.

- Director Mickins commented that in the meetings he and Chairperson Yamakawa have attended with the Mayor, she has consistently pointed out the HRC's handling of a large number of complaints. The Board of Supervisors also in the past has noted this integral function of the HRC staff.

Commissioner Maxwell commented on the "dollar-value" of HRC complaint-handling work in terms of employment, relief of pressure on other social agencies, etc.

STANDING COMMITTEES

Carlota Texidor del Portillo, Chairperson
Vernon Alley, Co-Chairperson

- Apprenticeship Opportunities Foundation - Danny Miranda (represented by Ms. Eleanor Yaranon, Assistant Director) - Frank Anderson, HRC Employment Representative.

Mr. Anderson said that Mr. Miranda addressed the last Employment Committee meeting on the subject of the Apprenticeship Opportunities Foundation and that the report was so well-received that it was scheduled for the full HRC. Mr. Miranda, now in Washington, D.C., sent his deputy, Ms. Yaranon, to speak. Mr. Anderson reminded the Commissioners that the HRC was one of the originating forces for the establishment of the AOF.

Ms. Yaranon distributed brochures explaining the AOF. The Foundation, now in existence more than ten years, assists minority men and women in qualifying for and seeking employment in various apprenticeship programs in the building and construction trades.

The HRC was instrumental in the discussions that set the AOF up as a nonprofit agency, funded by the U.S. Department of Labor and sponsored by the San Francisco Building and Construction Trades Council. A Board of Directors includes representatives of labor, business, and the community. The annual job-placement goal is 160 minorities and women. The agency has just been re-funded by the USDL.

The AOF had made some 1,500 placements in the past ten years, working with a number of key employers in the private sector(Pacific Telephone, Chevron refinery in Richmond)and the building and construction trades.

Currently the program aims at setting up pre-employment training through private support to prepare young men and women for entering the labor field and for staying in it. Problems in the past have developed because of young people not knowing what to expect in working conditions and standards in blue-collar employment, e.g., shift work, promotional levels, and so forth.

Work is under way now with the sheetmetal, plasterers, and painting trades to develop these pre-employment training programs.

AOF does extensive outreach and recruitment of minorities and women, job development, and monitoring of hiring patterns.

Ms. Yaranon said the AOF encourages to apply for a number of trades positions. There are, she said, "thousands" of applicants to the AOF, and one basic problem in serving them is upgrading their basic skills in reading, mathematics, and writing. Trade unions require schooling on-the-job and and after hours.

The AOF tutors applicants, most of whom are high school dropouts, in these basic skills and helps them prepare for General Education Development (GED) tests if they do not have high school diplomas.

It was noted that the level of federal funding for such operations as the AOF is declining. Field representatives have been cut back as a result.

Followup is done at 12-week and six-month intervals on clients of AOF on how long they are retained in employment. Dropout rates in those trades (painting, carpentry) where the work is sporadically available, tend to have higher dropout rates, Ms. Yaranon said. The AOF experience is that the job-retention rate is low for women because entering trades where the sex barrier has just been broken, they have no one of the same sex to identify with or relate to in the work environment.

NEW MATTERS

- HRC Appearance Before the State Legislation Committee - Commissioner Giles.

Commissioner Giles, accompanied by Gail Roberts and Essie Thomas of the HRC staff, appeared before the City's State Legislation Committee on March 16 to present the HRC's adopted endorsement of State Senate Bill 234 (Ralph Dills) relating to financing the public schools in the state.

This was the first appearance by the HRC before this Committee, and was in response to a Memorandum from the Mayor's Office in February of 1979 noting that departments and commissions are required under the Legislative Code to submit positions taken on bills before the state Legislature to this Legislative Committee to "develop an official City position."

On SB 234, the Legislation Committee referred the HRC endorsement to the Board of Supervisors. The State and National Affairs Committee of the Board will hear the endorsement on SB 234 on Friday, April 6, at 2:00 P.M.

Commissioner Giles asked the HRC members what positions they took on this requirement to submit legislation positions taken by the HRC before being allowed to communicate them to the state Legislature.

Commissioner Lyon said that her inquiry at the Commission on the Status of Women was that it had never received the Mayoral Memorandum and did not follow this procedure on adopting Commission positions on legislation.

Commissioner Giles pointed out that following this procedure would mean that any HRC action would have to be calendared by the State Legislation Committee, acted on by it (perhaps, indeed, opposing the HRC stand) or referred to the Board, which then would calendar it before one of its committees, which would then have to act to send it back to the Board, where subsequent action might, in effect, nullify the HRC's original position. At best, action might

be delayed so that HRC positions on bills might be useless as far as having any effect on passage or defeat. It was noted that the State Legislation Committee was added to the Legislative Code in 1939. After much discussion on this new procedure, it was
*****m/s/c that the HRC request the City Attorney for clarification on the Mayoral Memorandum: Positions on State Legislation of February 1, 1979, and the provisions of Article III of the Administrative Code regarding the HRC's obligation to seek clearance on positions on state legislation.

Commissioner Morrissey voted No.

- Automobile Litter Bags from San Franciscans for a Cleaner City.

J. Edward Fleishell, Chairman of the SFCC, wrote Chairperson Yamakawa, asking if the HRC would be willing to announce at its public meetings that the public may obtain automobile letter bags(produced by and bearing the name of Chevron USA, Inc.) and to distribute them.

There was lively discussion on this topic, with some expressions of opposition to, in effect, promoting Chevron advertising by these litter bags. After a number of suggestions had been made it was
*****m/s/c that the HRC thank Mr. Fleishell for the offer of the litter bags and suggest that they may be offered for distribution at the HRC public meetings with the hope that the supply be kept in the nearby Library Commission Office.

Commissioners Maxwell and Solomon voted No.

- Herring Appointment.

Commissioner Herring was congratulated on his appointment by Assemblyman Leo McCarthy to a position on the California Council on Criminal Justice.

- Rally for Friends of Education.

Commissioner Mezey announced a Rally to support Friends of Public Education to be held April 5, from 7 to 10:00 P.M., at Mission High School. The HRC has endorsed the efforts of the Friends of Public Education.

CALENDAR MATTERS

- North Point Pier, Inc. Appeal Hearing.

This hearing will be held Thursday, March 29, 1979 at 9:15 A.M., in the Lurie Room on the First Floor of the Main Library. Background material will be sent to the Commissioners in advance of this meeting.

- The next regular meeting of the HRC will be Thursday, April 12, 1979, at 9:15 A.M., in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, April 5, 1979, 9:30 A.M. Grace Cathedral House - 1051 Taylor Street
Housing & Urban Development	Wednesday, March 28, 1979, 2 P.M. HRC Offices - 1095 Market Street, Room #509
Ordinance Revision	To be announced.
Police Liaison/ Social Issues	To be announced.
Youth & Education	Thursday, April 5, 1979, 3:30 P.M. Thursday, April 19, 1979, 3:30 P.M. Grace Cathedral House 1051 Taylor Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

Attachment 1

HUMAN RIGHTS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Resolution of Commendation to Jo Daly, HRC Gay Liaison Specialist

WHEREAS, Jo Daly has served since 1975 as the Human Rights Commission's first Gay Liaison Specialist; and

WHEREAS, she had long shown her deep and sensitive interest in the welfare of the City's Gay communities; and

WHEREAS, she initiated an innovative and responsive program within the Human Rights Commission with direct involvement and input from all sectors of the community,

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission commend Jo Daly for courage and conviction and imagination in strengthening the Gay movement;

AND BE IT FURTHER RESOLVED that the Human Rights Commission herein express its appreciation, formally thank her for her contribution, and wish her well in her future endeavors.

##########

Resolution 3-79
Adopted by HRC 3/22/79

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of April 12, 1979

NEXT MEETING: Thursday
April 26, 1979
9:15 A.M.
Commission Room: Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meeting.

APR 26 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Carlota Texidor del Portillo, Sister Bernadette Giles, Sylvester Herring, Phyllis Lyon Enola Maxwell, Caryl Mezey, Dan Silva, Donna Solomon, John Morrissey.

Excused: Vernon Alley, Rabbi Alvin Fine, Antonio Grafilo, Nadim Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Lloyd Cowan, Don Hesse, Stanley Lim, Joe Meza, Emmett Rosebrough, Mary Gin Starkweather, Lydia San Filippo, Essie Thomas.

New staff members Lloyd Cowan, who succeeds Jo Daly as the HRC Gay Liaison Worker, and Mary Gin Starkweather, a Contract Compliance Specialist, were introduced. Both were hired under the Comprehensive Employment Training Act (CETA) program.

Pledge of Allegiance

Minutes of the Meeting of March 22, 1979 approved.

COMMUNICATIONS

- From State Assemblyman Art Agnos, urging opposition to Senate Resolution No. 12---Relative to the Federal Voting Rights Act (introduced by Senator Bob Wilson (D. - La Mesa). Mr. Agnos said this measure would repeal the 1975 Voting Rights Act on the grounds that "providing non-English election materials represents an unnecessary and wasteful taxpayer expense".

- From David P. Steward, Chairperson, Human Relations Commission, San Jose, urging attendance by HRC members and staff at the 6th Annual Statewide Conference of the California Community/Human Relations Commission on Friday May 18 through Sunday, May 20th at the Cabana Hyatt House, Palo Alto.

- From Richard R. Heath, Director of Airports, asking HRC participation in a seminar on Equal Employment Opportunity and Affirmative Action jointly with the Airport and the Federal Aviation Agency (FAA). The seminar would be aimed at reaching "everyone in the Airport community who has hiring authority or contract selection authority." The seminar was suggested by Airports Commissioner Zuretti Goosby.

- From Leon F. Drozd, Jr., of Denver, enclosing a newspaper photograph of an execution in Iran, and recommending the HRC take positions on human rights violations in that country.

- From Floyd M. Wylie, Ph.D., Executive Director, Westside Community Mental Health Center, Inc., requesting that Westside be considered part of a consortium when monitored for affirmative action by the HRC.

- From Supervisor Carol Ruth Silver, personal hand-written congratulations to the HRC and to Stanley Lim for HRC progress in obtaining minority business enterprise participation in City construction contracts.

- From Corina I Paulino, a personal complaint regarding charges of job discrimination. She is employed in a nonprofit organization in San Mateo County.

- From State Assemblyman Art Agnos, soliciting opposition to plans of the Sutter/Stockton Garage Corporation to expand their garage.

- From Vince Rice, Vendor Coordinator, announcing plans for the Second Annual Juneteenth Carnival June 23 and 24, 1979.

- From Franklin C. Stark, and Rev. Lynn E. Hodges, Pacific Regional Conference on the Reform and Restructuring of the United Nations System, inviting the HRC to be a sponsor of a dinner program to observe United Nations Charter Day, June 26, 1979.

- From William R. Richardson, AIA, Project Manager, Anshen & Allen, a copy of a letter sent March 27th to Richard R. Heath, Director, San Francisco International Airport, concerning newspaper articles on that date in the San Francisco Chronicle and Examiner alleging that the HRC forced Anshen & Allen to make deposits in minority and women-owned banks as part of affirmative action compliance. See fuller discussion of this letter and this issue under Director's Report.

- From Mayor Dianne Feinstein, a memorandum regarding compensatory time sent to all department heads. This memorandum was read in full and discussed by some Commissioners. Director Mickins reported that he established a policy on the earning and granting of compensatory time off for overtime work by certain employees shortly after he assumed his position at the HRC.

- From Geoffrey L. Rothman, Affirmative Action Coordinator, Civil Service Commission, advising that the CSC is directed to review HRC staff recommendations in the complaint case of Joseph Rose regarding employment as an Airport Police Officer.

- To Mayor Feinstein, with a copy to Mr. Rudolf Nothenberg, the HRC's Press Release of March 30th with attached letter from William Richardson of Ashen & Allen (see above).

- From Bobbie Sue Hood, The Hood/Miller Partnership, a copy of a letter sent to the San Francisco Examiner (Reginald Murphy, Editor) on April 3rd, protesting the "unfairness" of an editorial, "A floundering city commission..." that appeared March 30th. Ms. Hood wrote that "in evaluating the commission, you should consider its complete record and not merely an isolated incident with which you find fault." This letter was in the Editor's Mail Box portion of the Examiner editorial page in its editions of April 11th.

- To Dr. Mervyn F. Silverman, M.D., Director, San Francisco Department of Public Health, from HRC Commissioner Phyllis Lyon, with a copy of the HRC, regarding the Center for Special Problems and expressing support for its director, Ron Lee.

- From Rodney Johnson, Secretary, San Francisco Charter Commission, requesting information about HRC work and operation in preparation for the Charter Commission work on revision of the City Charter. Commissioner del Portillo urged that the HRC make sure that the Charter Commission understand fully the scope and impact of its work.

- From Gregory Hurst, Vice President, Public Affirs Department, San Francisco Chamber of Commerce, to Director Mickins, reporting that Chamber members he had contacted regarding the HRC's request that they assist in surveying affirmative action programs do not feel the Chamber should be involved; and noting the March 27th newspaper article regarding Anshen & Allen and minority bank deposits, and commenting, "I believe this far exceeds the authority of the Human Rights Commission." The HRC has responded to Mr. Hurst with copies of its March 27th Press Release and attached letter from Anshen & Allen to the Airport Director.

- From Joseph L. Rose, to Frank Anderson, HRC Representative, thanking him and Director Mickins for their findings regarding his complaint against the San Mateo County Sheriff's Department. Mr. Rose wrote, "...I have fought a principle and you and your organization have helped a great deal in making some changes for the better."

- From Richard R. Heath, Director of Airports, a copy of his letter to Dr. Zuretti L. Goosby, Member, Airports Commission, responding to a memorandum of March 15th regarding minority contracts at the Airport and the affirmative action program.

DIRECTOR'S REPORT

- North Point Pier, Inc. Appeal Hearing Re-Scheduled.

At the request of the City Attorney's Office, the HRC cancelled the scheduled March 29th hearing in this case. Director Mickins said the City Attorney recently had appointed David Goldman as counsel for the HRC, replacing Jo Nell Biancalana, who resigned. Mr. Mickins read the letter from Steven H. Herman, Attorney of Record for the law firm of Rudy, Rapport and Holden representing North Point Pier, Inc. (the Warren Simmons commercial Embarcadero waterfront complex of shops and restaurants) acknowledging the cancellation, and offering to meet to discuss the issues. The meeting has not yet been held.
******The hearing was re-scheduled by the HRC for:

Tuesday, May 8, 1979
Third Floor Commission Room
Main Library, Civic Center
Room reserved from 9:00 A.M. to 6:00 P.M.

It was agreed that, should it be required, the hearing would open at 9:00 A.M. until Noon, break for lunch and resume at 2:00 P.M. to 5:00 P.M.

HRC Budget Recommendations from Mayor's Office.

The Office of the Mayor has recommended to the Board of Supervisors an HRC budget of $326,972 for fiscal 1979-1980. This is 95% of the previous year's budget, but includes a small funding allocation from the Wastewater project for HRC monitoring work, and is up slightly from last year's total $317,500 budget. Mr. Mickins said the budget amount of $212,550 for personnel would permit the HRC to operate at its current staffing level.

This year the HRC did not have an opportunity to meet with the Mayor's staff to discuss its budget request before her recommendations were submitted to the Board of Supervisors.

*****The HRC's budget will be considered by the Finance Committee of the Board of Supervisors on Thursday, April 19th, beginning at 2:00 P.M., in Room 228 of the City Hall. Departmental presentations will be heard from 2:00 to 5:00 P.M. and public input will be heard from 6:00 to 9:00 P.M.

Newspaper Charges of HRC Coercion of Airport Contractor.

Attached to these Minutes is a copy of the HRC's March 30th Press Release and the letter from William R. Richardson, Project Manager for Anshen & Allen, to Richard R. Heath, Director of San Francisco International Airport. Mr. Richardson refutes newspaper charges (that appeared in the San Francisco Chronicle and Examiner on March 27th, followed by an editorial March 30th in the Examiner calling for the "abolishment of the HRC...") that the HRC staff forced deposits in minority and women-owned banks as part of an affirmative action compliance agreement. Director Mickins reported that this material had been sent to all media (no response has thus far been received), to all members of the Board of Supervisors, the Mayor, other City officials, the members of the Airports Commission, and to the reporters from the respective media papers who did the stories, Michael Harris of the Chronicle, and Russ Cone, of the Examiner.

Director Mickins also appeared before the Airports Commission at its April 2, 1979 meeting. Commissioner William Coblentz, who, it is reported, originated the issue by notifying the newspapers that he was "outraged" at the alleged bank-deposit pressure, was not present at the Airports Commission meeting. Mr. Mickins said the HRC holds that since the concerns that appeared in the press were not a formal action of the Airports Commission, but that of one member, that the Commission would wish to have the record so state. The President of the Airports Commission, Ruth Kadish, said she would ask its staff to draft a statement declaring these concerns did not present a formal position of the Commission and expressing its cooperation with the HRC.

Mr. Mickins stated that the HRC currently is monitoring approximately $600 million in contracts, $330 million under the Wastewater project, $100 million at the Moscone Convention Center, and the bulk of the balance with Airport contractors and sub-contractors. Staff, he said, is spending 30% of its working time on the Airport work.

Mr. Mickins pointed out that the HRC and other segments of the community are aware that of the some $300 million in contracts awarded at the Airport during the past two years, a minimal number have gone to minority or woman-owned businesses, (except in the construction aspect, where the HRC has monitoring authority). Of scores of tenant concessions, only one, a Black-owned shoeshine stand, is held by a minority.

Mr. Mickins said he continues to hold that HRC staff was following standard, accepted procedures in affirmative action in working with Anshen & Allen, and that the firm's letter (from Mr. Richardson to Mr. Heath) bears this out. He said he still hoped to meet with executives at the Examiner regarding its highly-critical editorial.

Members of the minority business community have contacted Mr. Mickins expressing their concerns about this editorial stance and the public reporting of the issue without any refutation or clarification.

- Mr. Mickins read in full the letter from Gregory Hurst of the San Francisco Chamber of Commerce (see Communications section of these Minutes) where he notes having seen the March 27th Chronicle article "...and the fact that one of your staff members tried to force this contractor to deposit money in the Women's Bank and California First Bank. I believe this far exceeds the authority of the Human Rights Commission."

- The Richard R. Heath letter of Dr. Zuretti Goosby (see communications section) also was read in full.

Director Mickins said he continues to serve on the Airport Affirmative Action Policy Committee set up by Mr. Heath with Wilson Chang, Director, Asians, Inc., Gerald W. Johnson, President of the Black Business Association, Hans Wachsmith, Jr., Director of Labor Relations, of Williams & Burrows. Inc., and David Orozco, Latinos for Affirmative Action, and Lon Hanke, Associated General Contractors.

Death of Commissioner W. R. Drummer

Commissioner W. R. Drummer, pastor and founder of San Francisco's Little Zion Baptist Church, died April 1st during a baptism service he was conducting at the church.

Commissioner Drummer had served on the HRC since December, 1977. Funeral services on April 6th at Macedonia Baptist Church, conducted by Rev. George Bedford, formerly a member of the HRC, were attended by Director Mickins and Commissioners Giles, Herring, Mezey, Morrissey and Silva.

It was

*****m/s/c to send a formal letter of condolence to Mrs. Drummer and her family from the HRC and staff.

STANDING COMMITTEES

EMPLOYMENT

Carlota Texidor del Portillo, Chairperson
Vernon Alley, Co-Chairperson

- Revision of the HRC's Affirmative Action Program (AAP) to meet the state Division of Water Quality/and federal Environmental Protection Agency (DWQ/EPA). Minority Business Enterprise Policy (MBE) - Stanley Lim, Contract Compliance Representative.

A packet of background materials had been sent to Commissioners in advance of this meeting. It included:

1. The HRC's letter of March 23, 1979 to the City's Wastewater Program announcing the proposed revision details for the HRC Affirmative Action Program requirements.

2. A letter from the state Division of Water Quality of March 20, 1979 informing that the HRC's proposed changes relating to minority business enterprises was in compliance and the HRC program was approved.

3. The full HRC Affirmative Action Program for Construction Contracts.

4. The Clean Water Grant Program Bulletin of February 1, 1979, giving the Division of Water Quality's minority business enterprise requirements for construction contracts.

5. The federal Environmental Protection Agency's minority business enterprise program for California clean water grant construction contracts.

Mr. Lim discussed the proposed revisions to the HRC Affirmative Action Program, which had been accepted by the Employment Committee and were before the HRC on its recommendation. He noted that the revisions followed on the action of the federal EPA in December of 1978 requiring all local recipients of federal money for clean water projects to adopt a minority business enterprise policy encompassing federal guidelines.

A major and substantial change in the HRC AAP is the increase from 10% to 16.1% of the minimum participation level for minority business entrepreneurs in contracts predominantly involving heavy construction such as the Wastewater program.

The HRC's AAP (including the Wastewater program provision) was adopted in 1976, and remained in force until recently.

The federal EPA requirements were initiated on December 26, 1978.

Mr. Lim said that the federal actions had come about because past discrimination continued to be a factor in the extremely low participation of minority business enterprises in federal contracts (only 1.2% of the total). For this reason, the federal agency moved to impose a goal-oriented program for wastewater (Clean Water) programs.

Following the December, 1978, directive from EPA, the state's Division of Water Quality on February 1,1979 published its Minority Business Enterprise Requirements for Construction Contracts (in its Clean Water Grant Program Bulletin).

The HRC AAP revisions being discussed at this meeting focus on several main areas:

1. The MBE goal to be increased from 10% to 16.1%.

2. A change in the definition of minority, to be: Black, Hispanic, Asian and Pacific Islander, and American Indian or Alaskan Native.

3. Strengthening of the definition of Minority Business Enterprise (MBE), as "..a business, whether it is a company or a corporation, of which at least 51 percent (formerly 50 percent) of the interest is owned and controlled by one or more minority group members who are citizens (formerly residents) of the United States."

The HRC, said Mr. Lim, chose to modify its AAP rather than accept the state MBE model completely.

Mr. Lim discussed all of these revisions in detail and invited comments and suggestions from Commissioners. Discussion followed; there were no changes.

One clause was inserted in the HRC stating that, "The minority participant must be utilized to perform work or supply products and not act as a mere conduit."

The AAP also notes that, "The HRC Affirmative Action Program has been approved by the State Water Resources Control Board, Division of Water Quality, as being in compliance with the minimum requirements established by the Environmental Protection Agency's MBE policy. Certain portions of the MBE requirements are derived from and are supplementary to said policy as published in the Federal Register on December 26, 1978 (Attachment II). Wherever differences occur between the foregoing and language of Attachment II, the more stringent requirements shall govern."

Commissioner Giles noted that the AAP includes the stipulation that "The utilization of small business enterprises owned and controlled by socially and economically-disadvantaged minority persons is especially encouraged."

After further discussion, primarily about the minority classification terminology (which drops "Other Non-White"), it was
*****m/s/c that the HRC accept the Lim report and adopt the revisions to the Human Rights Commission Affirmative Action Program (For Construction Contracts).

- San Francisco Unified School District Resolution No. 93-13A7, Reconstruction of Sarah B. Cooper Elementary School.

This resolution had been proposed by Board of Education Commissioner Ben Tom, and called upon the Unified School District to (1) immediately let contracts for the construction of Sarah B. Cooper Elementary School (located in the North Beach-Chinatown area), (2) that the District exempt the project from the affirmative action policy (adopted by the Board of Education approximately four years ago), and (3) "that the School District, in spite of this exemption, encourage all prospective contractors to meet the goals of affirmative action policy in good faith."

Commissioner Mosley noted that in the past the School District followed a policy that there be a 25% minority business enterprise requirement on building projects done by the District. The Associated General Contractors challenged

this policy legally, and the court (Judge Stanley Weigel)ruled in 1976 that this policy could not be followed and that there would be an injunction against any building project in the future following this policy. Since this ruling, no new building projects have been undertaken by the District. The introduction of the Tom resolution under discussion here, she said, was the first time the MBE policy has surfaced. The proposed change recommended at this time by the Employment Committee would, it is felt, offer the District a means for setting some kind of MBE policy rather than having none at all.

It was pointed out, in answer to the question of Chairperson Yamakawa, that the HRC in the past has monitored SFUSD construction projects for affirmative action. In 1976, the District changed to self-management. It set up a three-person affirmative action staff, one of whom was trained in the HRC's office.

Though Mr. Tom's resolution was withdrawn at the request of the District staff at the latest Board of Education meeting, it was felt that it would be re-introduced in the near future. The District staff is in agreement that it would continue to monitor all District construction project contracts.

After further discussion, it was
*****m/s/c to recommend to the Board of Education that proposed Resolution No. 93-13A7-Reconstruction of Sarah B. Cooper Elementary School be changed as follows:

- Eliminate Resolve 2)"That the School District exempt this project from the affirmative action policy."
- Replace Resolve 3)"That the School District, in spite of this exemption, encourage all prospective contractors to meet the goals of affirmative action policy in good faith, (and)"
  with: "That the San Francisco Unified School District voluntarily put itself under the Human Rights Commission's Affirmative Action Program for the purposes of enforcing and monitoring the provisions of 12B of the San Francisco Administrative Code in regard to all contracts related to the reconstruction of Sarah B. Cooper Elementary School."
- It will be stressed that the HRC is not asking that the District submit to HRC monitoring of its construction contracts.

HOUSING AND URBAN DEVELOPMENT
Antonio Grafilo, Co-Chairperson

- Proposed Joint Resolution Urging Appointment of the HRC Director to the Housing Policy Group and a Study of Residential Displacement - Don Hesse, HRC Contract Compliance Representative.

The Housing and Urban Development Committee and Gay Advisory Committee met jointly on March 28th.

There had been newspaper coverage recently of a press conference held by the Third World Fund at which charges were made that "Gay speculators" are buying properties and raising rents in the Western Addition area of the City, forcing Blacks and other minorities out.

Mr. Hesse said that Housing Committee concerns led to its inviting Ida V. Strickland, Director of the Third World Fund, to appear at its meeting. The Black Leadership Forum also was invited to present its views, but neither Ms. Strickland nor the Forum was able to accept these invitations of the Committee.

The Forum had announced that it had held a workshop on the issue, one they said that was broader than speculation effects on the Western Addition. The Forum said it would appear before the Housing Committee after its workshop-appointed committees had completed a study of the overall housing problems.

At the March 28th meeting, it was decided not to respond to the newspaper accounts of charges of "Gay speculation driving out Blacks and minorities." However it became clear that the primary objection is to the use of the word "speculation" as being not an accurate description of what is now occurring Some years ago properties were being bought for speculation in anticipation of quick profits when sales prices escalated. What is taking place now, said Mr. Hesse, is displacement, as rising property sales levels and rapidly-rising rents force people to move from their chosen neighborhoods in search of rental and sale property, moving up or down in the economic housing ladder.

This condition exists, Mr. Hesse said, in virtually all San Francisco neighborhoods, and has been escalating over a 20-year period.

He noted that there had been charges some time ago of "Gay speculation" adversely affecting residents of the Mission District.

Neighborhoods have been undergoing dramatic changes, he said, and such a change is now underway in the Haight District. It is claimed that Blacks are being displaced by Whites, many of the latter Gay people, by which most people mean white male Gays, though the latter form no more predominant part of the Gay population than white males do of the general population.

The joint Committees then drafted a proposed Resolution calling for two actions:

1. That the HRC Director be appointed by the Mayor to a newly-created Housing Policy Group, and
2. That the Office of Community Development sponsor and fund a study of residential displacement in San Francisco neighborhoods with concentrations of minority, elderly, or low-income people.

After discussion, it was
*****m/s/c that the HRC adopt the Resolution Urging Appointment of the HRC Director to the Housing Policy Group and a Study of Residential Displacement. The full text of this Resolution is attached to these Minutes.

Commissioners Lyon and Maxwell commented that there are widespread community concerns about incidents of violence directed against Gays and increasing tensions between Blacks and Gays, and that there needs be action on the broader scale of the adverse effect of the housing crisis.

Mr. Hesse noted that a group called San Franciscans for Affordable Housing has scheduled hearings on the housing situation in all City eleven Supervisorial Districts over a period of eight weeks.

He announced also that there are programs that make it possible for homeowners to obtain relatively low-rate interest loans for purchase, but that they are rarely publicized or made known.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- HRC Recommendations on San Francisco Unified School District Suspensions

Accompanying these Recommendations (with supportive statistical tables) was a detailed HRC Staff Report on Suspensions for the 1977-1978 School Year.

Much has transpired since the last Report on Suspensions issued by the Human Rights Commission on December 16, 1976.

The Board of Education, at its meeting on February 15, 1977, adopted a resolution referring the Human Rights Commission's recommendations relating to suspensions to the Superintendent and staff with a request for monthly reports

to the Board on implementation of the recommendations. In addition, the Board of Education, at its meeting of March 15, 1977, referred a resolution by Commissioner Maher, to the Task Force on Suspensions which recommended that it be the policy of the San Francisco School District that no student shall be transferred involuntarily as a disciplinary action more than one time; further, that existing policies be amended, as necessary, to bring them into conformity with this policy. Dr. John Cleveland, then Associate Superintendent, Instruction, indicated to the Board of Education that a staff task force would be formed to present recommendations to the Board of Education on implementing the major issues in the Human Rights Commission Report. The Board of Education requested that community representatives be added to the Task Force. The Task Force on Suspensions was formed on April 11, 1977 and issued its recommendations on June 3, 1977. The Task Force was dissolved at that point.

The Board of Education on October 19, 1977, adopted a policy prohibiting student suspension from kindergarten through the sixth grade. The enactment of AB 530 on September 21, 1977 by the California Legislature changed the State Education Code regarding suspensions. Finally, the Board of Education adopted a revised and updated Policy on Student Discipline on September 12, 1978 incorporating the changes in state and Board policy.

This HRC staff report is based on data supplied by the San Francisco Unified School District. These statistics are from the Annual Report on Student Suspensions for the Fall-1977-Spring-1978, compiled by Robert R. Figone, Student Placement Committee Chairman.

TASK FORCE ON SUSPENSIONS

The Task Force issued its report on June 2, 1977, presenting recommendations on five topics.

The HRC Staff Report brought statistics up to date and continues to recommend that the Board of Education implement the Task Force recommendations. The HRC earlier approved these recommendations. To the original five recommendations, six more were added:

The HRC:

5. Recommends that the Annual Report on Suspensions correlate ethnic identification with cause of suspension.

6 Recommends that the Annual Report on Suspensions break down the suspensions by grade level in order to determine the change in suspension rate due to the realignment of grade configuration.

7. Recommends that the Annual Report on Suspensions not combine defiance of authority with extortion under Disruption of School Activity as a cause of suspension because of significant difference in the type of offense, but list defiance separately.

8. Recommends that each Area Superintendent work with site administrators of schools with significant behavior problems and high number of suspensions, utilizing the approaches used by schools with low incidents.

9. Recommends increased parent involvement at the school side through at least three parent meetings per year to discuss behavior problems.

10. Recommends that schools utilize flexible day scheduling, with written parental permission, instead of suspensions to deal with disruptive behavior.

11. Recommends middle school and high school administrators maintain records on the referrals made by teachers to the principal or to the lead counselors. Such referrals can then be compared to the suspension rates for each school.

Commissioner Giles said the Committee has learned that some action is being taken on the first five HRC recommendations, but it was urging the Board of Education to move ahead on implementing the others.

After discussion, it was
*****m/s/c that the HRC adopt the eleven Recommendations on Suspensions.

- Summer Youth Program.

Commissioner Maxwell had expressed concern at an earlier HRC meeting that the federal Summer Youth Program was considering exempting 14-year-olds and asked the Committee to investigate. The Committee heard from Fred Reid, Supervisor, Recreation & Park Department and Darlene Coles, Director, Summer Youth Program. Ms. Coles said that the Summer Youth Program will hire 14-year-olds this summer. However, in 1980 they might be eliminated from the federal program and, accordingly, the Youth & Education Committee will monitor the Legislation next year in order to continue community concern on this part of the program.

- Recommendation on the Earlier Opening of the Summer Youth Program.

This program currently is scheduled to begin July 2, 1979. Since this means a two-week gap between its start and the end of school, on recommendation of the Committee, it was
*****m/s/c that the HRC recommend that the 1980 Summer Youth Program begin operation a week after the closing of school.

- Commendation of Balboa High School's Code of Ethics.

The Committee felt it significant that Balboa High School has adopted this seven-point Code of Ethics, and, after discussion, it
was
*****m/s/c that the HRC commend Balboa High School for adoption of a seven-point Code of Ethics. The Code reads as follows:

> "As a Balboa High School student, I want to give the most I can to it in order to get the most I can from it. I want to be the BEST BUCCANEER I can be.
>
> Therefore, I adopt the following code of ethics as my own:
>
> 1) Balboans respect each other, as they respect themselves;
> 2) Balboans are proud of their cultural background;
> 3) Balboans take pride in the appearance of their school;
> 4) Balboans always keep up their spirit and pride, whether in good or bad times;
> 5) Balboa students and faculty respect each other;
> 6) Balboans conduct themselves, wherever they are, in such a way as to reflect good on the reputation of the school;
> 7) Balboans know that to be a winner, you never "quit"!

- Congratulations to Balboa High School on its 50th Anniversary.

Following on the action of the Youth & Education Committee, it was
*****m/s/c that the HRC congratulate Balboa High School on the occasion of its fiftieth anniversary.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Two Complaint Cases.

The Gay Advisory Committee provided copies of letters written regarding two

incidents involving actions of members of the San Francisco Police Department.

1. A letter was sent March 6 1979, by Jo Daly, the HRC's then Gay Community Liaison, to Police Chief Charles Gain and the Internal Affairs Bureau regarding alleged harassment, false arrest, and professional misconduct by five San Francisco Police officers on February 26, 1979 at 1121 Market Street (the Starlight Room).

No formal response has been received to this letter, to date. A SFPD officer did telephone Ms. Daly regarding the complaint.

2. Identical letters were sent by the Committee Chairperson to District Attorney Joseph Freitas, Jr., and Police Chief Charles Gain regarding an incident at Peg's Place on March 31, 1979 involving off-duty San Francisco Police officers.

- Proposed Resolution Urging a Mayor Investigation Group Regarding Escalation of Violence Against Gays, Minorities, Women, and the Elderly.

Commissioner Lyon said that there appears to be an escalation of violence against Gay people on the street in the past several months in the City and she recounted several incidents of beatings and attacks on Lesbians.

She said there was an attempt to set up a better reporting system in the community to keep a more accurate account of the number and nature of these reported attacks. She said that attacks on Lesbians could lead to attacks on women people think are Lesbians merely by their dress or demeanor, thus putting all women in jeopardy.

After discussion it was
*****m/s/c to adopt the Resolution Urging a Mayoral Investigation Group Regarding Escalation of Violence Against Gays, Minorities, Women, and the Elderly.

A full text is attached to these Minutes. A City-wide rally against violence will be held April 13th at Noon.

NEW MATTERS

- The HRC voted unanimously to send a formal letter of condolence to Mrs. Drummer and her family. The full text of this letter is attached to these Minutes.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, April 26, 1979 at 9:15 A.M. in the Third Floor Commission Room of the Main Library.

- The appeal hearing for North Point Pier, Inc., will be Tuesday, May 8, 1979 at 9:00 A.M. in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, May 3, 1979 9:30 A.M. NEW MEETING PLACE: To be announced.
Housing & Urban Development	To be announced.
Ordinance Revision	To be announced.
Police Liaison/Social Issues	To be announced.

Gay Advisory	Tuesday, May 1, 1979 - Noon - HRC Office, 1095 Market Street #509.
Youth & Education	Thursday, April 19, 1979 3:30 P.M. NEW MEETING PLACE: Yerba Buena Senior Center - 1111 Buchanan Street, First Floor, Entrance on Golden Gate Ave.

NO REMARKS FROM THE AUDIENCE

- The HRC adjourned in memory of the late Commissioner Rev. W. R. Drummer.

Respectfully submitted.

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

PRESS RELEASE

IMMEDIATE RELEASE

INFORMATION:
Grant Mickins, Director
HRC (558-4901)

March 30, 1979

The Human Rights Commission of San Francisco is responding to newspaper articles that appeared March 27, 1979, in both the San Francisco Chronicle, and San Francisco Examiner, and an editorial in the Examiner in its noon edition of March 30, 1979. The articles and editorial comment on the HRC's affirmative action work with a San Francisco architectural firm, Anshen & Allen, holding a contract at San Francisco International Airport.

AIRPORT CONTRACTOR REFUTES CHARGE ON RIGHTS COMMISSION

A letter refuting recent newspaper articles and a San Francisco Examiner editorial charging that the Human Rights Commission coerced an Airport contractor to place deposits in minority and women-owned banks as part of an affirmative action agreement has been sent by William R. Richardson, Project Manager for Anshen & Allen, to Richard R. Heath, Director of the San Francisco International Airport.

In releasing copies of the Richardson letter, Grant S. Mickins, HRC Director, said, "Mr. Richardson's letter corrects the gross errors in fact in the articles and should rebut as well the allegations in the savage Examiner editorial."

Mr. Mickins pointed out that the Examiner's newspaper article on March 27th claimed that the Airports Commission was "outraged", whereas actually only one member of the Commission, Attorney William Coblentz, who had not been in touch with any member of the HRC or its staff on this issue, voiced objections.

"The Airports Commission is made up of five members, it has not taken either an informal or formal position on this matter, and inferring that it has done so is, at best, a major mis-statement of fact," Mickins said.

On March 27th, an article by Michael Harris, reporter for the San Francisco Chronicle, appeared on the front page of that paper, quoting Airports Commissioner William K. Coblentz as saying he was "outraged" on learning that Anshen & Allen had deposited $5,000 in the California First Bank as part of its affirmative action agreement on minority and women-owned business sub-contracting.

The Examiner's March 30 editorial says that the HRC "induced the architects to deposit funds as part of a 'minority aid' program." In fact, as shown in a letter dated March 27th and addressed to Richard R. Heath, Director of San Francisco International Airport, William R. Richardson, Project Manager for Anshen & Allen, states, "After suggesting the names of the two banks (Western Women's Bank and First California Bank), the HRC did not participate in any way in our establishing a relationship with them. Their suggestion was deemed by us to be helpful and in no way was it coercive or mandatory."

Citing the HRC's staff as "....professional, cooperative, helpful and diligent in representing to us the objectives ofthe City's affirmative action plan," Richardson goes on to say that basic criteria for Anshen & Allen's affirmative action participation was established with the HRC early in 1978.

Their design team was put together even before they were aware of affirmative action requirements, he writes, and "That sequence of events did not contribute to our decision to make deposits in the Western Woman's Bank and California First Bank.

Since early discussion with the HRC showed the firm that they would not be able to find woman-owned subconsultants in the disciplines they needed, "alternative means of the satisfying the spirit and intent of the affirmative action goals relative to involvement of woman-owned business" were discussed.

"From that discussion," Richardson writes, "the decision to do business with the two banks was solely Anshen & Allen's."

"As a matter of fact, and in response specifically to the Examiner editorial," the HRC Director said, "the 'comprehensive minority hiring program' that it is said the HRC does not recognize exists at the Airport is in fact a program that the HRC put together, and that it monitors, under powers granted it by the City's Administrative Code, and with the full cooperation of the Airports Commission and its staff."

"The HRC is proud of the achievements it has made in its fourteen years of service to affirmative action in San Francisco, and it is confident that its work will continue to be supported by both the public and private sector in the spirit of cooperation and shared goals of equal opportunity in employment," Mr. Mickins declared.

###########

GSM:JC:pa
3/30/79

RECEIVED
MAR 28 1979
S.F. HUMAN RIGHTS COMM.

ALLEN PARKER RICHARDSON
ARCHITECTS

461 BUSH STREET
SAN FRANCISCO, CA
415/391-7100

DEREK PARKER AIA
WILLIAM R. RICHARDSON AIA
RICHARD C. HEIN AIA
FANI DAMADJIEVA HANSEN AIA
IVAN TZVETIN AIA

ASSOCIATES
ROBERT H. CHAN AIA
MARGARET GILLESPIE ASID
JACK B.W. KEN AIA
RONALD P. MENTGEN AIA

CONSULTANT
W.M. STEPHEN ALLEN FAIA

ANSHEN & ALLEN

March 27, 1979

Mr. Richard R. Heath, Director
SAN FRANCISCO INTERNATIONAL AIRPORT
San Francisco, California 94128

Re: SFIA South Terminal
West Additions and West Modifications
Job No. 266

Dear Dick:

We would like to confirm and add to what we told you yesterday during our telephone conversation about our March 16, 1978 agreement with the Human Rights Commission.

We started working with the HRC early in 1978 on our agreement for schematics. During the past year we have had an excellent rapport with HRC, both on the first agreement and on the second one for the remainder of our services. Their staff has been professional, cooperative, helpful and diligent in representing to us the objectives of the City's affirmative action plan.

You may recall that we put together our design team before we presented our qualifications to the Commission for our selection and before we were aware of the details of the affirmative action requirements. That sequence of events did not contribute to our decision to make deposits in the Western Woman's Bank and California First Bank.

In our early discussions with HRC we established and explained that our participation in affirmative action would be governed by the following criteria:

1. All actions and decisions must be in the Airport project's best interest. There must be no compromise in the quality of the project delivered to the Airport Commission.

2. The minority firms selected to participate must be competent to do whatever assignment they are given, subject only to the training process which we would provide and which is inherent in such a program of helping minority firms become established.

3. ANSHEN & ALLEN has sole responsibility for the project, consequently, ANSHEN & ALLEN will have sole authority over the selection of firms and their direction, retention, etc.

4. The minority participation could not be a dole. Each firm will earn its fee by being productive, subject only to the potential inefficiency inherent in the learning process.

5. ANSHEN & ALLEN belived that the true spirit of the City's affirmative action plan was to use small firms who would not otherwise have an opportunity to work on this type or size project.

The HRC staff members agreed completely with these criteria while reserving their right to review and comment upon the plan which we developed using those criteria.

We then proceeded to report and develop an affirmative action plan for our own staff makeup and hiring practices and for the hiring of subconsultants (other than woman-owned) which fully met all of the HRC goals.

Our own staff makeup at the time of the discussions more than satisfied HRC goals. Our hiring experience since those discussions and staffing of the airport project have also met or exceeded the goals set with HRC.

Concerning subconsultants, Gayner Engineers subsequently qualified as a minority firm.

We added the small minority firm of TED C. JEONG & ASSOCIATES as our associate architect and, when we became aware that landscape architects' services were needed, we added the minority firm of FONG & LA ROCCA to our team.

At that point, with a commitment to pay a range of 10% to 25% of our fee to minority firms, we were at approximately 39%.

We also had a commitment to pay a range of 5% to 10% of our fee to a woman-owned business.

Those early discussions with HRC revealed that we would not be able to find woman-owned subconsultants in the disciplines we needed, that is structural, mechanical and electrical. We discussed alternative means of satisfying the spirit and intent of the affirmative action goals relative to involvement of woman-owned business. HRC suggested the Western Woman's Bank and we discussed the several different kinds of accounts that we could establish (savings, checking, loan, etc.).

From that discussion, which occurred early last year, the decision to do business with the two banks was solely ANSHEN & ALLEN's. We decided the type of account, amount of deposit, and have withdrawn from and added to those accounts under the same exercise of business discretion that we use with other similar institutions.

After suggesting the names of the two banks, HRC did not participate in any way in our establishing a relationship with them. Their suggestion was deemed by us to be helpful and in no way was it coercive or mandatory.

At the present time we feel that we have, with HRC assistance, put together an affirmative action program of which we can be proud. Even so, we continue to look for opportunities for more minority participation.

We only regret that the persons who objected to the two deposits on our behalf did not first consult with us to ascertain the facts and whether we objected to the procedure followed. If that had been done, a tempest in a teapot could have been avoided.

Please call us if there are any further questions.

Very truly yours,

ANSHEN & ALLEN

Bill

William R. Richardson, AIA
Project Manager

WRR/mjg

cc: Miss Vicky Rathbone
Mr. Ron Castillo
PMB Systems Engineering, Inc.
Gayner Engineers
Ted C. Jeong & Associates
Fong & LaRocca

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

RESOLUTION URGING A MAYORAL INVESTIGATION GROUP REGARDING
ESCALATION OF VIOLENCE AGAINST GAYS, MINORITIES, WOMEN, AND THE ELDERLY

WHEREAS, a recent escalation of violent activity throughout the City of San Francisco has been perpetrated especially against Gays, minorities, women, and the elderly, by youth gangs and others; and

WHEREAS, the latest incident of violence was on the part of off-duty San Francisco policemen against Lesbians at Peg's Place as reported in the San Francisco Examiner April 1, 1979; and

WHEREAS, reports to the San Francisco Police Department and the Internal Affairs Bureau in the past have received no response; and

WHEREAS, the citizens of San Francisco are expressing their concern by holding a "witness against violence" rally this Good Friday at 12 noon,

NOW, THEREFORE BE IT RESOLVED that the Human Rights Commission calls on Mayor Feinstein to establish a citizen body, representative of the diverse communities within San Francisco, to investigate this alarming rise of violence in San Francisco with special attention to the activities and attitudes of the San Francisco Police Department and District Attorney's Office.

Resolution 6-79
Adopted by HRC 4/12/79

pa
4/17/79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

RESOLUTION URGING APPOINTMENT OF THE HRC DIRECTOR TO THE HOUSING POLICY GROUP AND A STUDY OF RESIDENTIAL DISPLACEMENT

WHEREAS, San Francisco is in the midst of a severe housing shortage resulting in spiraling costs and rents; and

WHEREAS, one of the effects of this is the displacement of people from their homes by rent increases, condominium conversion and re-investment in previously red-lined areas; and

WHEREAS, recent public statements and news stories have focused on the displacement of the Black community in the Western Addition and mistakenly ascribed the cause solely to "Gay speculation"; and

WHEREAS, these actions have cast the Gay community in an unfair light and subjected Gay people to increased harrassment and violence; and

WHEREAS, the housing problem affects all San Franciscans and tension and conflict between communities and neighbors will only make it more difficult to work out a solution; and

WHEREAS, the potential for conflict between groups will become more serious as the housing problem itself worsens;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission call upon the Mayor to appoint the Director of the Human Rights Commission to a position on the newly-created Housing Policy Group; and

BE IT ALSO RESOLVED, that the Office of Community Development sponsor and fund a study of residential displacement in San Francisco neighborhoods with concentrations of minority, elderly or low-income people.

Resolution 5-79
Adopted by the HRC 4/12/79

bct
4-17-79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

April 12, 1979

Mrs. W. R. Drummer
1245 Divisadero Street
San Francisco, California 94115

Dear Mrs. Drummer:

The members and staff of the Human Rights Commission have asked that I write you formally to express their heartfelt condolences on the passing of your husband, the Rev. Dr. W. R. Drummer.

From his appointment as a member of the Human Rights Commission in December of 1977, he served with dignity and loyalty and participated actively in its deliberations. He was a splendid representative of his community, and brought honor to his name.

The Human Rights Commission was a most appropriate place for Rev. Drummer to render his service to his City, for in his calling he personified human understanding and compassion. His was a voice of reason and moderation so needed in times of stress.

We wish you and his family and his congregation to know how deeply the Human Rights Commission feels this loss. We honor his memory and his name.

Sincerely,

David K. Yamakawa, Jr.
Chairperson

DKY:pa

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of April 26, 1979

NEXT MEETING: Thursday
May 10, 1979
9:15 A.M.
Commission Room Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meeting.

MAY 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: David Yamakawa, (presiding), Sister Bernette Giles, Dianne Sylvester Herring, Phyllis Lyon, Enola Maxwell, Caryl Mezey, John Morrissey, Dan Silva, Donna Solomon.

Excused: Vernon Alley, Rabbi Alvin I. Fine, Antonio Grafilo, Nadim H. Zarour.

- Commissioner del Portillo was appointed to the Civil Service Commission on April 24, 1979, by Mayor Feinstein.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Don Hesse, Joe Meza, Gail Roberts, Emmett Rosebrough, Mary Gin Starkweather, Essie Thomas, David Treanor.

Pledge of Allegiance

Minutes of Meeting of April 12, 1979 approved. One addition, Page 6, eighth paragraph, beginning, "Commissioner Giles noted..." the words "and minority" should be inserted between "small" and "business" to read: "The utilization of small and minority business enterprises owned and controlled by social and economically-disadvantaged minority persons is especially encouraged."

COMMUNICATIONS

- From S. K. Mallick, President, World Knowledge Bank, inviting HRC participation in a planning meeting April 25 (which HRC Assistant to the Director Joseph Meza attended) for the World Economic and Cultural Exposition, to be held in San Francisco, July 1 - 10, 1980.

- From Milton F. Reiterman, Assistant Superintendent, Management Services of school premises to the City and County for governmental facilities.

- From Richard Sklar, Office of the Mayor, a Memorandum sent to all City appointing officers, regarding retroactive wage payments to City employees.

- From Neil Dunham, Division Chief, Manager-Clean Water Grant Program, State Division of Water Quality, a copy of a letter addressed to A.O. Friedland, Deputy Director, San Francisco Wastewater Program, regarding approval granted for the use of the Human Rights Commission Affirmative Action Plan on Clean Water Grant Construction Contracts.

- From Commissioner Enola D. Maxwell, as follows:

"Dear Chairperson Yamakawa:

Serving on the Human Rights Commission has been one of the high points of my life.

I would not be resigning from the Commission in such challenging times if it were not for the fact that I am a candidate for the Board of Supervisors from District 7, and hope to continue to serve the City in that position beginning 1980.

Please accept my resignation, effective May 1, 1979."

*****See under New Matters in these Minutes for subsequent HRC action regarding Commissioner Maxwell's resignation.

- From Wiley J. Pierce, Jr., President, DD & A Consultants, Inc., a copy of a letter to the Gust K. Newberg Construction firm of Los Angeles, seeking a meeting regarding the firms' working relationship in a Joint Venture.

- From William K. Coblentz, Chairman, Northern California Committee, NAACP Legal Defense and Educational Fund, Inc., soliciting purchase of tickets to a luncheon May 17 marking the 25th Anniversary of the Brown v. Board of Education of Topeka decision by the U.S. Supreme Court.

- From Msgr. William J. Berry, President, Los Angeles County Commission of Human Relations, enclosing a copy of State Senate Bill #705 introduced by Senator Allan Sieroty. It would mandate human relations commissions in each California county, and establish some state funding for their establishment and expenses matching county funding.

*****Director Mickins was asked by the HRC to research this proposed legislation and what effect it might have on local controls over HRCs. Senator Milton Marks is a member of the Senate Local Government Committee before which a hearing on the bill was held April 23.

- From Ed Sajor, Chairman, Government Relations Committee, United Way of the Bay Area, thanking Director Mickins for his help in providing policy guidance to the government relations activities of United Way.

- From Vince Courtney, Executive Secretary, Local 400 Civil Service Association, a copy of a letter sent to Mayor Feinstein, and to John Walsh, General Manager, Civil Service Commission, seeking a meeting regarding settlement of a U.S. Office of Revenue Sharing discrimination lawsuit.

- To Police Chief Charles R. Gain, from Commissioner Phyllis Lyon, Chairperson, Gay Advisory Committee, requesting a report from the Police Department regarding an incident at Peg's Place involving off-duty San Francisco police officers on April 1, 1979.

- From Jack Young, Acting President, National Organization of Minority Architects/Northern California Chapter, a copy of a letter to John R. Murphy, Editor of the San Francisco Examiner, protesting and challenging charges in that newspaper (in a new article March 27, 1979, and an editorial March 29, 1979) regarding its affirmative action relationship with a contractor to the Airports Commission. Mr. Young wrote, "We would like to request that the paper make some attempt to correct what will appear in the minds of many San Francisco citizens as an outrage being perpetrated upon certain firms in the name of minority business assistance."

- Also from Mr. Young, a copy of a letter of John Molinari, President, Board of Supervisors, regarding the charges referred to in the foregoing letter to the San Francisco Examiner, and requesting "...that all charges upon such commission as the Human Rights Commission be thoroughly proven before any action to penalize such a commission is even contemplated. It is our belief that the Human Rights Commission budget, due to the effectiveness

they represent and the impact they have upon the welfare of the city as a whole, be strengthened and enlarged, and that their charge be all-encompassing relative to the disbursement of contracts for any purpose by the City of San Francisco."

- To Mr. Young, from Director Mickins, thanking him and his organization for their letters of support.

DIRECTOR'S REPORT

- San Francisco HRC Budget for Fiscal 1979-1980

The Finance Committee of the Board of Supervisors April 19 approved on First Reading an operating budget allocation of $326,750 for the HRC. The HRC had requested $327,181. The Mayor's Office has recommended to the Board a budget of $326,972. There was a reduction of approximately $250 in the travel allocation. A recommendation that the HRC lose its 1444 Clerk-Steno (a position "frozen"--not filled-- since Proposition 13) was objected to by the HRC, and it ultimately was retained.

Director Mickins said that the $326,750 budget would come within $5,000 of HRC being able to retain all of its present allocated staff. The HRC continues its efforts to find alternative funding for the staff positions held by CETA employees, most of whom, having completed the maximum 18 months in the program, are due to be laid off work on September 30, 1979.

Director Mickins said the Mayor's Office had been consistently supportive of the HRC's budget needs.

STANDING COMMITTEES

EMPLOYMENT

Carlota Texidor del Portillo, Chairperson
Vernon Alley, Co-Chairperson

- Request by Fred Jordan, President, Jordan/Avent & Associates, a minority civil engineering firm, For Modification of the HRC's Affirmative Action Requirements for Architects & Engineers as Prospective Consultant/Contractors) Regarding Minority Business Definition.

Mr. Jordan had written to Director Mickins on March 16, 1979, asking that the existing definition of small minority business (in the Affirmative Action Requirements for Prospective Consultants, adopted by the HRC January 31, 1979: III. Definitions D. 2."A concern shall not qualify as a small business if its number of permanent, full-time employees exceeds 10 or its gross annual receipts are more than $750,000 dollars.") be changed. He reported that, after six weeks of joint venture negotiations on the Bayside Facilities Plan(a multi-million-dollar project), one of the principal firms had said Jordan/Avent should not participate in more than 12-1/2 percent of the work "because we have over 10 personnel."

Director Mickins introduced Mr. Jordan, reading verbatim from the HRC document in question.

- Chairperson Yamakawa noted that this item, under the Employment Committee portion of the agenda, had not, however, as a separate matter, come to the HRC at this meeting on the Committee's referral.

Mr. Jordan said that his firm has been in business approximately twelve years. He commended the HRC for what he terms its "outstanding policy" on minority business enterprise, which he said sets an example for the West Coast and the nation.

Mr. Jordan said he had been working with the Environmental Protection Policy (on affirmative action) since its inception and it has what is called a mid-course correction component, by which a policy is tried for a time, and corrected later if a need to do so is shown.

Mr. Jordan referred to his specific concern again, that the limitation of 10 or fewer personnel and a gross annual receipts total of $750,000 or less is restrictive. He said "This is the first time I've seen this kind of language come up in the United States." Mr. Jordan is the founding president of the

National Association of Black Consulting Engineers. He said he monitors minority business enterprise programs throughout the country.

The speaker said that the limiting definition on minority business size in the HRC requirements document means that minority firms cannot participate at the 25% level in most of the projects let for contract by the City. The preponderence of City contracts in its major projects, such as Wastewater, go to large national and multi-national firms. "There is no way," he said, "if you have 10 or fewer personnel, that you are going to get a prime (contract) on one of these projects." The current objective of federal policy for minority business enterprise, he said, is "capacity building, "that is, to upgrade minority-owned firms to the competitive level for major contracts.

There followed a long and detailed exchange between Commissioners and Mr. Jordan (initially).

Commissioner Mezey asked if he wanted some or no limitations on staff size and gross annual receipts by the HRC. Mr. Jordan said, "Cautiously, I would say some."

Commissioner Morrissey commented that he felt that the HRC has no responsibility as to small (business) as such, and that its concern is about minority nondiscrimination. He thus felt personally that there should be no limitations set.

Gerald Johnson, President, Black Business Association, said that the fact that Mr. Jordan's is the only Black civil engineering firm in the City indicates that there have been no opportunities in the past for their participation. Obviously, he said, that condition cannot be corrected in a year or so.

Mr. Johnson recommended that there be a local conference to discuss the ramifications of improving opportunities for minority businesses, and he said he felt the HRC's limitation on size had been "far afield."

Commissioner Maxwell said that she felt the Employment Committee should hear from those minority firms with less than ten employees on how they felt the limitations affect them, should investigate whether foreign funding is behind some firms receiving contracts, and should consider the plight of minority firms competing with each other for contracts.

Director Mickins reported that Mr. Jordan had submitted proposed amendments from the Small Business Act, under the Federal Procurement Act with terminology defining "socially and economically-disadvantaged" businesses. He said that perhaps this working could be considered by the Employment Committee. He noted however, that the federal act has erroneously eliminated "Asian" as a protected class, requiring that Asians be judged on a case-by-case basis for qualification as "socially and economically-disadvantaged."

Gerald Johnson then requested that the HRC suspend the limitation part of its affirmative action requirements which concerned Mr. Jordan.

Mr. Jordan repeated that part of the HRC requirements that limits a defined minority business limits his firm's ability to compete for major (prime) contract participation with the City.

- It was pointed out that the next regular meeting of the Employment Committee will be May 3. Staff said that there would not be time to get all material together and studied by Committee members on this issue (suspension of the limitation) until the scheduled June 7 Employment Committee meeting.

***** Commissioner Mezey then moved that there be a staff recommendation by the next HRC meeting as to whether the policy section on limitations should be suspended until the Employment Committee has acted on it.

There was no second to this motion.

*****Commissioner Morrissey moved that the size limitation insofar as it applies to the HRC's policy on minority businesses be suspended pending further report and action by the Commission.

This motion later was amended to add and that the suspension be in effect only as far as Requests for Proposals that would be issued on or after May 1, 1979. This motion was seconded.

Commissioner Mezey expressed reservations about what possible effect this action might take on companies bidding subsequently.

Director Mickins said he felt that there may be contracts pending at the Airport and in other agencies that might be affected by this HRC action to suspend these limitations.

*****Commissioner Mezey then moved that the HRC postpone a vote on the issue until the next regular meeting of the HRC, at which time the staff would report any legal ramifications on projects already bid on under the current HRC policy or any effect suspension of limitations might have on awards out for bid now.

This motion was seconded.

Commissioner Morrissey said it was obvious to him that the HRC "acted precipitously before", and, that recognizing that, he felt that the HRC should "undo" its previous policy immediately. He opposed postponement as moved by Commissioner Mezey.

Commissioner Herring asked for explanation on what effect would come from making a suspension of limitations.

Commissioner Mezey said her concern was that whereas the standing policy (the size limitation on minority businesses as defined) had been adopted after considerable input from the minority community, and after full discussion by the Employment Committee and the full HRC, that a move to suspend the limitations (which she said based on Mr. Jordan's testimony may well need to be changed) not be done without due deliberation in kind.

Director Mickins said he would be prepared to submit an interim recommendation from staff by the next (May 10) HRC meeting on whether those contracts now in effect might be (adversely) affected by a change in the limitations policy.

- Chairperson Yamakawa then read in full Rule 12A of the HRC Rules and Regulations covering motions that may be introduced at the HRC without first having been through a Standing Committee, e.g., "...If the motion is on subject matter which the HRC has voted on in the past...", which he said applies to Commissioner Morrissey's motion, it requires a simple majority.

*****Procedurally, the HRC then:

1. Voted 5-4 against postponing action at this meeting on suspending the size limitation for minority businesses.

2. Voted unanimously to consider (the Commissioner Morrissey motion to suspend limitations) a motion not brought to it through a Committee.

In discussion:

- Commissioner Silva stated that he agreed that the HRC did need a staff recommendation on suspension of the size limitations, but he felt also that as minority business advocates the HRC should continue to make opportunities wider for them in bidding on contracts. He said that "hypothetical problems" such as the possible adverse effect of suspension "should not stop us from acting."

- Commissioner Herring concurred with Commissioner Silva. He felt that there already have been many restrictions on minority businesses getting a foothold in contracts. "But, "he said, "the HRC has made the mistake of placing limitations on them. Now, somehow, we find it difficult to correct our own error." He said the HRC should feel more than free to act to correct its mistake.

- Commissioner Mezey stated for the record that her opposition to the Morrissey motion was not on its content but on the procedure followed. She reiterated that the HRC had adopted the Affirmative Action Requirements after

input from numerous minority communities, and that it was changing it on the testimony of one individual, who is "aggrieved, and very honestly so," by the policy. She said she could not vote in favor of the motion without a report principally from the staff, and testimony from people who had urged that the HRC adopt the limitations.

- Commissioner Giles also spoke in opposition to suspension of the limitations. She said she did not know what impact this action would have on firms already bidding for contracts under the Affirmative Action Requirements document. She said it put the HRC in an ambigous position, under an indefinite time-span of a change of suspension being in effect. She urged that the Employment Committee meet as soon as possible to consider this issue. She also commented that wording along the lines of small and minority-owned businesses might be a way of stating the definition more clearly. She felt however, that the procedures being followed by the HRC in acting on this issue at this meeting were in question in her mind.

After a further statement from Mr. Jordan about the urgency of his firm's seeking participation in current negotiations regarding what he said was "every contract that is going to come up in San Francisco in the next two or three years", it was
*****m/s/c that the HRC suspend the size limitation (Affirmative Action Requirements for Prospective Consultants, January 31, 1979, III. Definitions D. 2.) insofar as it applies to the HRC's policy on minority businesses pending a further report and action by the Commission, and that the suspension be in effect only as far as Requests for Proposals that would be issued on or after May 1, 1979.

The vote to pass was 5 to 4. Commissioner Mezey asked that her "no" vote be recorded.

- Status Report on Affirmative Action by Banks and Savings and Loan Companies - Donald Hesse, HRC Contract Compliance Representative.

The HRC's work with banks and their affirmative action programs dates back to 1971, when it began monitoring, through analysis of workforce reports, the minority participation in employment. Its work is possible because banks holding City deposits are City contractors and come under Chapter 12B of the Administrative Code.

Mr. Hesse reported that Mary Gin Starkweather, a new Contract Compliance Specialist on staff, will be spending 50% of her time working on affirmative action in this area. Because of understaffing, the HRC has not been able in recent years to implement fully this affirmative action work. Specific action, he said, with the exception of negotiations with Hibernia Bank that produced a working affirmative action program, has been infrequent.

The status report, compiled from materials sent in by 22 banks, was supported by several statistical tables. Banks were covered, ranked by size (number of employees) in four major groups. In the smaller banks, Mr. Hesse noted, the presence of only a few minorities of women can give an impression which may not be consistent with the banks' commitment.

One table showed the 22 banks holding City and County funds. The four largest banks (Bank of America, Wells Fargo, Crocker, and Bank of California) has minority workforce totals, respectively, of 44%, 43%, 33%, and 61%.

Asian-owned banks (mainly, Sumitomo, Bank of Canton, Sanwa, California First, Bank of the Orient, American Asian, and Mitsui) reported large minority workforce figures. Respectively, the total minority reports were: 80%, 92%, 74%, 71%, 78%, 70%, and 71%.

All of the ten major banks holding City deposits between 1970 and 1978 showed increases in their total minority employee figures with the exception of California First (which was acquired by a Japanese company in that period) from 72% in 1970 to 71% in 1978; and Sumitomo, from 84% in 1970 to 80% in 1978.

Bank of America, for example, rose from 29% in 1970 to 44% in 1978; Wells Fargo from 35% to 43%, Hibernia from 16% to 41%; and Barclays from 9% to 45%, Lloyds from 29% to 47%.

One statistical table showed figures for ten saving and loan institutions holding City funds. Their cumulative figures showed a total minority workforce of 46%; the breakdown: total women 70%; Hispanic, 9%; Black 10%; Total Asian, 7%, Native American Indian 1% and Other Non-White, 1%. The City has been depositing money with savings and loan institutions only since January of 1979.

Mr. Hesse described the methodology of making these studies by the HRC. Banks return questionnaires, and HRC staff compiles them. It is hoped to begin using the City's computer facilities to greatly speed up this tedious compilation work.

In the near future, the staff will be singling out banks with specific affirmative action deficiency areas for special work.

The staff has two primary immediate goals:

1. To set up criteria by which to measure bank compliance.

2. To set up means to evaluate minority-owned banks, which often, as noted above, show heavily-proportionate minorities, but very little participation by non-Asian minorities. It has been suggested, Mr. Hesse said, that no ethnic group be represented at less than 80% of the (total) proportional goal for that group.

This is not the first time the HRC, in working with banks on affirmative action, has had to deal with the minority-owned bank workforce dilemma. Commissioner Giles noted that in the past, one suggestion had been that these banks be considered liable for general-population goals if they advertise for business from the general population.

Staff is charged with developing these criteria cited and bring them to the HRC through the Employment Committee.

It was

*****m/s/c that the HRC accept this Status Report on Affirmative Action by Banks and Savings and Loans Institutions.

- Commissioner Morrissey commented that he felt the HRC's main purpose was to assure that there is no discrimination in employment against minorities and women, but he had heard that some banks in trying to meet statistical goals were recruiting outside the City, to the disadvantage of City residents. He said he felt statistics were the tool for combating discrimination.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- Mayor's Youth Service Office and Year-Round Program

Representatives from the Mayor's Youth Service Office were guests at the recent Youth & Education meeting. The Office was established by the late Mayor George Moscone, and seeks to function as a coodination link between the youth-serving agencies in the City.

All applicants who enter the YSO are interviewed by a Youth Employment Advisor. The Youth Advisor makes an initial assesment of the applicant's work-related experience, skills, interests, and motivation. The interviews are supplemented with educational and vocational testing. Youth who fail to meet the minimum requirements of the local labor market are referred to training programs designed to address the specific barrier which is preventing the youth from obtaining a job. Young people who are job-ready are referred to the placement unit to match up the work-related skills of the applicant to the employer's job specifications.

It has worked with such youth-training programs as: Asian Neighborhood Design, Y-Chance YMCA of San Francisco, Friends Outside, OBECA/Arriba Juntos, Horizons Unlimited, Painter's Joint Committee, Filipino Youth Coordinating Committee, Morrisania West, Inc., etc.

The Mayor's Youth Service consists of six major divisions. They are:

Youth Employment Advisory Unit - Performs initial intake and assessment of all applicants. This unit provides short-term client counseling as needed, and acts as an advocate for youth in helping to solve their special problems in securing entry into the labor market. For further information contact Jim Whelly at 558-2908.

Individual Referral - Economically disadvantaged youths between the ages of 16 and 21 are eligible for this program. There are limited openings for dependable and motivated young men and women who could not otherwise afford the cost of vocational training. The areas of training are varied and contingent upon the needs of the local labor market. Institutions available for training can be either public or private. The most popular requests include training for welding, computer operators, medical and dental technicians and electronics. Although a high school diploma or GED is not required, those youths who have completed their basic education generally make better applicants because of their added desirability in the job market. For further information contact, Sue Kaplan at 558-5954.

Open Road/New Jobs - This program offers economically-disadvantaged youth full-time jobs through a two-week career exploration course, and a six-month 100% subsidized work experience concentrating primarily on small businesses that can offer a personalized, one-to-one apprenticeship-type training. It also offers direct referrals to unsubsidized jobs following completion of the workshop. For further information contact Debbie Tea at 558-2908.

Community Mental Health Services - This individual referral program is a combined effort of several agencies to serve a select group of severely-disadvantaged youth referred from CMHS who face acute problems such as developmental disability, mental disorders, physical handicaps, alcoholism and involvement with the criminal justice system. The program is designed to provide vocational training and eventual placement services for CETA-eligible youth, between 16 and 22, who are interested and capable of understanding classroom training leading to full-time employment. Training is limited to 6 months and to occupations which have a reasonable labor market demand. For further information contact Sue Kaplan at 558-5954.

Youth Transitional Employment Program - This program is designed so that the employer hires a trainee and trains him or her for a specific occupation. The employee's wages are paid in full out of YTEP fund for the duration of the training. Upon satisfactory completion of the training, the trainee is retained as a regular unsubsidized employee. This program is part of a crime prevention program funded by the U.S. Department of Housing and Urban Development. The intent of YTEP is to mitigate the high rate of unemployment among young adults-one of the major causes of criminal activity. For more information contact Wendy Foo at 558-5467.

Placement Unit - links San Francisco youth to jobs. The intent of the program is to place clients in a position that will be beneficial to them and their prospective employers. Applicants are pre-screened according to employer's standards.

Young Community Developers - A local community-based agency providing clerical training.

- Recreation Center for the Handicapped

The Committee also heard a presentation by Janet Pomeroy, the founder and Executive Director of the Recreation Center for the Handicapped. The Center, completely funded (approximately 80% derived from federal, state and local funds, with the remainder from private donations), serves all ages seven days a week, with special adult classes in the evenings. It receives

no financial support from the Board of Education, although it renders educational service to children that permit them to enter the public schools. Location - 207 Skyline Blvd., San Francisco, Calif. 94132.

NEW MATTERS

- Resolution Authorizing Submittal to the San Francisco Foundation of Funding Proposal to Conduct a Survey of Private-Sector Business in San Francisco to Determine Implementation of Affirmative Action Plans.

This projected survey was described in detail before the HRC by Rebecca Hazelwood on October 26, 1978, and the HRC voted then to approve seeking funding for it. This formal Resolution document is required by the San Francisco Foundation from all applicants.

It was

*****m/s/c that the HRC adopt the Resolution Authorizing Submittal of a Funding Proposal to the San Francisco Foundation to Conduct a Survey of Private-Sector Business in San Francisco to Determine Implementation of Affirmative Action Plans. The full text is attached to these Minutes.

- Endorsement of Proposed Board of Supervisors' Resolution Calling on the President of the United States to Introduce and Support Strict National Gun Control Legislation - Jack Casford.

This Resolution, introduced by Supervisors President John Molinari, urges that the President introduce new gun control legislation drafted by the department of Justice with six specific provisions. Mr. Casford, who represents the HRC on the Northern California Coalition for Handgun Control, reviewed the HRC's historic stance in favor of gun control measures and the principle dating from 1969. Four formal Resolutions endorsing legislation and other steps to achieve a fully effective national gun control policy have been passed, one in 1969, two in 1972, and one in 1973. The NCCHC was endorsed formally in 1975.

The Proposed Resolution will be heard by the Board of Supervisors' State and National Affairs Committee on Friday, May 4, at 2 P.M.

It was

*****m/s/c to endorse the Resolution Calling on the President of the United States to Introduce and Support Strict National Gun Control Legislation, and to authorize staff to so testify at the May 4 hearing of the State and National Affairs Committee. A copy of the full text of the Resolution is attached to these Minutes.

- National Secretaries Week

Director Mickins was authorized to draft a formal Resolution of Appreciation to the secretaries for the HRC. This Resolution is attached to these Minutes.

- Resolution of Commendation to Commissioner Enola Maxwell

After a reading in full of a Resolution of Commendation to Commissioner Enola D. Maxwell, who resigned effective May 1, 1979, it was
*****m/s/c that it be adopted. The full text is attached to these Minutes.

- Appointment of Nominating Committee

Chairperson Yamakawa named the Nominating Committee (Commissioner Giles, Chairperson; Commissioners Lyon and Mezey) to make recommendations for Commissioners to replace Commissioner del Portillo as vice-chairperson of the HRC.

CALENDAR MATTERS

- The next meeting of the HRC will be Thursday, May 10, 1979 at 9:15 A.M., in the Third Floor Commission Room of the Main Library in the Civic Center.

- The appeal hearing for North Point Pier, Inc., (Pier 39) will be Tuesday, May 8, 1979, at 9 A.M. in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, May 3, 1979 - 9:30 A.M. Jewish Vocation Service - Flood Building 870 Market Street (Powell/Market) Suite #675
Housing & Urban Development	To be announced.
Ordinance Revision	To be announced.
Police Liaison/Social Issues	To be announced.
Gay Advisory	Tuesday, May 1, 1979 - Noon - HRC Offices 1095 Market #509
Youth & Education	Thursday, May 3, 1979 3:30 P.M. NEW MEETING PLACE: Yerba Buena Senior Center 1111 Buchanan St., First Floor - Entrance: Golden Gate Ave.

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM/JC/ew

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

RESOLUTION AUTHORIZING SUBMITTAL TO SAN FRANCISCO FOUNDATION OF FUNDING PROPOSAL TO CONDUCT A SURVEY OF PRIVATE-SECTOR BUSINESS TO DETERMINE IMPLEMENTATION OF AFFIRMATIVE ACTION PLANS

WHEREAS, the Human Rights Commission of San Francisco, at its meeting of October 26, 1978, approved the submittal of a Funding Proposal to Conduct a Survey of Private Sector Businesses in San Francisco to Determine Implementation of Affirmative Action Plans; and

WHEREAS, the goal is to survey, via confidential questionnaires sent to from 300 to 500 San Francisco businesses, 1) what the attitudes of businesses are towards their affirmative action plans, and 2) what they actually are doing in affirmative action; and

WHEREAS, the Human Rights Commission will submit a funding proposal for $30,900 to a private foundation;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission of San Francisco authorize the submittal of this funding proposal to the San Francisco Foundation.

David K. Yamakawa, Jr.
Chairperson
HUMAN RIGHTS COMMISSION

Date

Resolution 7-79
Adopted by the HRC 4/26/79

5/1/79 pa

ATTACH #2

FILE NO. [illegible] RESOLUTION NO. _____

CALLING ON THE PRESIDENT OF THE UNITED STATES TO INTRODUCE AND SUPPORT STRICT NATIONAL GUN CONTROL LEGISLATION.

WHEREAS, 25,000 Americans are murdered every year with handguns, and this constitutes 49% of all murders committed within the country; and

WHEREAS, Handguns injure an additional 100,000 citizens each year; and

WHEREAS, There are over 50 million privately owned handguns in America, and there has been a significant increase in the number of handguns manufactured and purchased in the last ten years; and

WHEREAS, The United States' gun murder rate per 100,000 population is 100 times greater than England's, and 200 times greater than Japan's--both of which are nations with strict gun control policies; and

WHEREAS, The "Saturday Night Special" handguns represent only 22% of all handguns sold in America, and expensive handguns are used just as frequently in the commission of crimes as are inexpensive models; and

WHEREAS, A recent Harris Survey reports that 80% of Americans now favor strict federal laws requiring that all handguns be registered by federal authorities, and 71% of gun owners support federal gun control legislation as well; and

WHEREAS, The recent tragedies in San Francisco have once again highlighted the escalating level of violence and death resulting from the use of handguns in the United States; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby urge the President of the United States to support tougher restrictions on the sale and availability of handguns, and to introduce new gun control legislation drafted by the Department of Justice, which contains the following provisions:

1. A ban on the manufacture, sale and importation of cheap, poorly-made handguns, also known as "Saturday Night Specials;"

2. A three-week cooling-off period between the sale and receipt of a

handgun;

3. An increase in the fee for licensed firearms dealers from $10 to $1,000;

4. A requirement that all secondary sales of handguns be processed through licensed firearms dealers;

5. A restriction of only 2 firearm purchases per citizen in each 365-day period;

6. A requirement that private individuals who dispose of handguns report this transaction to authorities or become responsible for any violence subsequently committed with the weapon, and a similar requirement that any theft or loss of a handgun be reported to authorities within 30 days.

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

RESOLUTION OF THE HUMAN RIGHTS COMMISSION OF SAN FRANCISCO IN COMMENDATION OF COMMISSIONER ENOLA D. MAXWELL

WHEREAS, Commissioner Enola Maxwell has served on the Human Rights Commission with honor and distinction since 1976; and

WHEREAS, Commissioner Maxwell has brought to the Commission the strength of her beliefs and the depth of her wisdom gathered from years of caring for the spiritual and material needs of the community; and

WHEREAS, Commissioner Maxwell has provided forceful leadership in her roles as Vice-Chairperson of the Commission and Chairperson of the Housing and Urban Development Committee; and

WHEREAS, Commissioner Maxwell has decided to seek a position of greater responsibility and service to the people of San Francisco and is required thereby to forego her position on the Commission; and

WHEREAS Commissioner Maxwell's commitment to poor and minority peoples, her fairness and honesty, and her willingness to represent the Commission and the Commission's policies before government and community groups will be difficult to replace, it is her "spark", evidenced both in her sense of humor and her sense of outrage, that will be most sorely missed;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission commend Enola Maxwell for her devotion to human rights, extend its appreciation and gratitude to her for her dedication and service to the Commission and the community, wish her complete success in her future efforts, and hope that she will continue to provide the Commission with her experience and support.

Resolution 9-79
Adopted by the HRC 4/26/79

bct
5-1-79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

RESOLUTION OF APPRECIATION
TO THE
SECRETARIES OF THE HUMAN RIGHTS COMMISSION

WHEREAS, the week of April 23-27 has been observed as National Secretaries Week; and

WHEREAS, every week is Secretaries Week at the Human Rights Commission in terms of their invaluable work and support; and

WHEREAS, the Human Rights Commission quite literally could not function under its mandate unless it had the skills and dedication of the secretarial workers, collectively and individually; and

WHEREAS, the Human Rights Commission on April 26, 1979 voted unanimously to express its formal appreciation and gratitude and commendation;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission members and the professional staff join in expressing this appreciation, gratitude, and commendation to: Ms. Pauline Anderson, Ms. Marion How, Ms. Grace Markham, Ms. Maria Schaefer, Ms. Blanca Torres, and Ms. Etta Wroten.

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Resolution 8-79
Adopted by the HRC 4/26/79

JC:bct
5-1-79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of May 10, 1979

NEXT MEETING: Thursday
May 24, 1979
9:15 A.M.
Commission Room Third Floor
Main Library, Civic Center

MAY 23 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meeting.

ROLL CALL

Commissioners

Present: David Yamakawa, (presiding), Vernon Alley, Sister Bernadette Giles, Sylvester Herring, Phyllis Lyon, Caryl Mezey, Dan Silva, Donna Solomon.

Excused: Rabbi Alvin Fine, Antonio Grafilo, John Morrissey, Nadim H. Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Lloyd Cowan, Joseph Meza, Vicky Rathbone, Gail Roberts, Emmett Rosebrough, Lydia San Filippo, Essie Thomas, Ed Vurek.

Pledge of Allegiance

Minutes of Meeting of April 26, 1979 approved, with one addition: on Page 8, there should be inserted after the seventh paragraph beginning "The Proposed Resolution will be heard.." the following: It was m/s/c that the HRC take action on the proposed endorsement of a Resolution Calling on the President of the United States to Introduce and Support Strict National Gun Control Legislation as a New Matter.

- Chairperson Yamakawa announced that a supply of automobile litter bags provided by San Franciscan's for a Cleaner City were available to be picked up by members of the HRC.

COMMUNICATIONS

- From Mervyn F. Silverman, M.D.M.P.H., Director of Health, Department of Public Health, a copy of a letter to Commissioner Phyllis Lyon as Chairperson of the Center for Special Problems' Community Advisory Board, thanking her for her letter of support of Ron Lee, Director of the Center.

- From Mayor Dianne Feinstein, accepting, with regret, the resignation of HRC Commissioner Enola D. Maxwell, and extending "deep appreciation for the outstanding service you have rendered to the City..."

- From L. A. Vagadori, Chief of Project Managers, San Francisco Wastewater Program, to HRC Contract Compliance Officer Vicky Rathbone, suggesting modification in HRC proposals on Wastewater consulting contracts.

- From former Commissioner Carlota Texidor del Portillo, a letter commenting on her feelings of appreciation to the HRC and staff on her resignation to accept an appointment to the Civil Service Commission.

- From Betty Sellers, Conference Coordinator, announcement of details about the Statewide Conference of the California Community/Human Relations Commissions meeting for May 18-20 in Palo Alto at the Cabana Hotel.

- From Vince Courtney, Executive Secretary, Local 400, Civil Service Assn. Employees International Union, withdrawing a complaint filed with the HRC regarding the Center for Special Problems.

- From Wiley J. Pierce, Jr., President, DD & A Consultants, Inc., (a minority engineering, survey, and planning consultant firm) withdrawing a complaint against Gust Newberg/Hurber, Hunt & Nichols, Inc., which has now been resolved.

- From Assemblyman Art Agnos (with letters to each Commissioner) urging HRC support of SB 705. **The HRC's Police Liaison/Social Issues Committee will consider this legislation for a recommendation to the full HRC in the near future.

- From Merrill Proudfoot, San Francisco Council of Churches, requesting assistance regarding a study of ethnic communities in the City.

- From Steven H. Herman, Rudy Rapoport and Holden (attorneys for North Point Pier, Inc.), confirming cancellation of the HRC appeal hearing set for May 8, 1979, and announcing he would be on vacation until May 23, 1979.

- From Mr. Herman (and read in full and discussed by Director Mickins) a letter setting forth the legal position of North Point Pier, Inc. The firm is appealing a Finding of Noncompliance issued by Director Mickins.

Mr. Herman's letter was a discussion in detail, with references to the Development Agreement of September 10, 1975, the HRC's complaint of contract non-compliance of May 1, 1978, the San Francisco Administrative Code, Chapter 12B.2 (k) (2) and 12B.4, a letter from Thomas O'Connor, in October, 1975, to a

member of the HRC staff, City Attorney's office interpretation of 12B. 4 in a case entitled "Alioto's Fish Company v."Human Rights Commission.", and the amendment (deleting all references to "public works contracts") of 1976 to Section 12B.2.

Director Mickins, in his subsequent comments on the contents of this letter, said that he personally had felt that the HRC and staff were fully prepared to proceed with the appeal hearing requested by North Point Pier, Inc., but that the scheduled May 8, 1979, hearing had been at North Point's request with the concurrence of the City Attorney's Office. The latter had said it wished to subpoena several documents germane to the case. He said he hoped the HRC would re-schedule this appeal hearing at its May 24, 1979 meeting. He reminded the Commissioners again that its Rules of Procedure in Affirmative Action require that there be a quorum of eight HRC members at such a hearing to render a decision.

There currently are three unfilled positions on the 15-person HRC. Commissioners were urged to familiarize themselves with the HRC's Rules of Procedure on Affirmative Action.

- It was announced that David Goldman, Deputy City Attorney, is representing the HRC in the North Point Pier, Inc., appeal case, and is receiving assistance from Judith Teichman, who represented the HRC formerly and during the Alioto's v. Human Rights Commission case. There is not, however, a permanent attorney assigned by the City Attorney to be the HRC's legal counsel.

- Special Employment Committee Meeting.

A special meeting of the HRC Employment Committee will be held Wednesday, May 16, 1979, in the Commission Room (third floor) Main Library, Civic Center (Larkin & McAllister Streets), at 1:30 p.m.

The meeting is to receive input from the public and to make a recommendation to the full Human Rights Commission on two important policy issues:

(1) Design Consultants At its April 28, 1979 meeting, the HRC voted to suspend the minority and women-owned business participation goal of 12.5% that is aimed specifically at small firms, pending a further report and action by the Commission.

(2) Construction Contracts At its May 3, 1979 meeting, the HRC Employment Committee voted to consider possible modification of the HRC's affirmative action program in construction to include a goal designed specifically to facilitate the participation of small minority-owned firms on City and County construction contracts.

Copies of the relevant HRC Minutes, the HRC January 31, 1979 Memorandum to Design Consultants, the HRC Notice to Bidders, and staff reports will be sent before the meeting.

The resolution of these two extremely important policy issues will have a substantive impact on the future direction of affirmative action programs in the City and County of San Francisco, Director Mickins said.

- Chairperson Yamakawa announced that in addition to the vacancy in the position of Vice-Chairperson of the HRC (with the resignation of Commissioner Carlota Texidor del Portillo), there are vacancies that must be filled for chairperson of the Employment, Housing and Urban Development, and Ordinance Revision Committees.

HRC Budget Status

The HRC has been alloted a 1979-1980 fiscal year operating budget of approximately $327,000. Director Mickins said this would permit it to carry out

its mandate with a staff complement as near as possible as before Proposition 13 and its impact on municipal funding.

- Wastewater Program - The HRC will re-submit a request for funding of its affirmative action work for this program for fiscal 1979-1980, and the approximately $90,000 will support two professional and one clerical support positions.

- George R. Moscone Convention Center (Yerba Buena Center) - This project, delayed by litigation for many years, is now under way, with some $100 million public construction bonds sold. The HRC has been giving affirmative action assistance with contract bids, including what Mr. Mickins described as "weeding out" non-bonafide minority sub-contractors which were offered as components of majority contract bids. The HRC, Mr. Mickins said, was promised an additional staff position by the Chief Administrative Office to handle this affirmative action work.

- Joseph A. Meza Named Coordinator.

Mr. Meza has been named Coordinator of the HRC staff programs. He was a charter member of the HRC (founded in 1964), and first joined the staff in 1966. From 1969 through 1976 he was Deputy for Youth Affairs and Programs under the administration of Mayor Joseph L. Alioto.

Director Mickins said Mr. Meza was one of the HRC's most dedicated and knowledgeable staff professionals, and that he was delighted to have his contributions and expertise.

- Director Mickins reiterated the HRC's pleasure at the cooperation and support it continues to receive from the Mayor's Office.

STANDING COMMITTEES

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Donna Solomon, Co-Chairperson

- John O'Connell School of Technology Admissions Policies - Commissioner Giles.

Concerns among some members of the Youth & Education Committee that the small representation of minority students at John O'Connell School of Technology might reflect a discriminatory admissions policy led to the invitation to Mr. Alberto Aramedia, Assistant Principal, to discuss this issue with the Committee at its May 3 meeting.

Commissioner Giles said that after Mr. Aramedia's description of the new administration at John A. O'Connell it appears that there is an earnest effort to recruit minority students. The school official discussed the kinds of classes and training opportunities offered, and talked as well about some of the problems the school faces, including recruiting female students for vocational education in fields where there had been relatively little interest or opportunity until recent years. There is difficulty as well in recruiting women as teachers in crafts and technical subjects.

Reading from John A. O'Connell General Admission Standards, Commissioner Giles stated, "In order to maintain racial/sexual balance it may be necessary to accept up to 5% students with a lower qualifying score." The Commissioners had been provided with documents including sample letters to parents explaining the school's goals and course offerings(ninth through twelfth grade), a sample Application for Admission, and a chart showing the Point System Procedure for John A. O'Connell.

Commissioner Giles reiterated that the Committee is now satisfied that there is an effort to overcome whatever discrimination there may have been in the past.

Commissioner Solomon said that Mr. Aramendia had shown that there had been, over a four-year period, an annual increase in the number of minority and female students. She noted that it was difficult to find minority and especially women shop teachers, because the positions require seven years' experience in the field.

EMPLOYMENT

Vernon Alley, Vice-Chairperson

- Design Consultants Report - Employment-Ed Vurek, HRC Contract Compliance Officer.

The HRC's affirmative action work with design consultant firms began when the long-term, $1.5 billion Wastewater Program got underway in late 1976. With most of the funding for the seven-year construction of sewers, treatment plants, and outfall facilities serving the entire City coming from state and federal sources, the City had to comply with both state and federal affirmative action regulations in order to qualify for any future construction cost grants. Thus the HRC's role was reinforced.

(Design consultant firms include architects, engineers, environmental analysts, landscape designers, and social and urban planners. These firms are responsible for developing the design of a construction project, and for supervising and consultation during the construction phase.)

The HRC negotiates acceptable affirmative action agreements with design firms which bid and fulfill Wastewater contracts with the City. The HRC staff has negotiated a procedure with the Wastewater Program staff which stipulates that it will be:

1. supplied with each RFP (Request for Proposal) for a project,
2. given a list of all firms receiving RFP's,
3. invited to take part in all pre-proposal meetings and selection interviews with design forms, and
4. immediately notified of final selection of a design project.

The HRC has developed affirmative action guidelines and an employment questionnaire for design firms. These forms go out with each RFP, to be returned completed to the HRC as part of the total proposal. Staff is responsible for evaluating the submitted material and supplying the final selection committee with affirmative action "ratings." The selected firm is then required to develop an acceptable affirmative action agreement through negotiation with HRC staff. The agreements include such elements as:

1. General statements of nondiscrimination in accordance with Chapter 12.B.

2. Agreement to disclose names of all sub-contractors and to inform sub-contractors of their obligation to comply with Chapter 12.B.

3. Expand recruitment efforts by using minority and female referral services and news media on a regular basis.

4. Specific goals for hiring of minorities and women.

5. Specific goals for business participation by minority and women-owned businesses.

6. Agreement to utilize existing training programs and establish other training measures.

7. Reporting requirements during the term of agreement.

The contents of agreements are not restricted to these elements if additional measures are necessary.

Compliance with the agreements is determined by evaluation of monthly reports on employment activities and on-site visits.

In addition to the Wastewater Program, the HRC staff now monitors design projects for San Francisco International Airport, the Recreation and Park, Public Works, and City Planning department, the Port Commission, and the George R. Moscone Convention Center (formerly Yerba Buena Center).

Mr. Vurek's report concern of the affirmative action employment aspects of the design guidelines and agreements. However, the most recent modification in the HRC guidelines requires increased participation for minority and small (ten or fewer employees, less than $750,000 in annual gross receipts) businesses. The next Design Report will be concerned with the development of the business participation program adopted by The Employment Committee and the HRC in January, 1979. The initial design proposals evaluated by HRC staff since the new requirements were adopted indicate that the new requirements are reasonable and attainable.

The revised employment questionnaire (Form A) for design firms now includes inquiries about utilization of disabled persons. This information, gathered over a period of time, should provide a basis for developing guidelines for the employment and utilization of the disabled as well as for minorities and women. Form A. requires the design firm to report:

1. disabled employees and the nature of the disability,
2. efforts to recruit and accomodate disabled persons,
3. if a disabled employee will work on the project.

The design firm minority workforce has increased from 27.3% in July,1978 to 29.2% in March, 1979. An un-official review of firms without City contracts, utilizing the same professions, shows they have less than 15% minority participation. This survey was done on firms that have submitted unsuccessful proposals for City projects. The hiring goals set in design firm affirmative action agreements have resulted in a high degree of employment for minority group professionals in design fields. Employment goals will continue to be an important part of future agreements to insure a steady increase in minority employment.

Other areas of concern in the last June 1978, design firms employment report were:

1. participation of minority women above the clerical level - 3%; an increase to 5.6%/

2. participation of women above clerical level - 12.8% increased to 18%.

The acceptance of the training concept in the HRC guidelines had a great effect on bringing minorities and women into the design field. The original Design agreements required participation in the Engineering Societies' Committee on Manpower Training (ESCMT) program. The Committee is made up of representatives of firms in the design field, including both architects and engineers. The program includes training for occupations in the design field and scholarships to technical programs. The member firms often provide technical assistance in the training situation. (ESCMT) will place a screened trainee in a firm and reimburse the firm for part of the trainee's salary. ESCMT staff will also serve as counselors to trainees. Other ways firms can participate include lending of professionals to the program and contributing to the scholarship fund.

The relationship of the HRC and ESCMT goes back to 1976, when the original work with design firms began. Over the years, ESCMT has proved successful, a large percentage of its predominantly minority trainees has completed training. Companies usually offer a successful trainee a job upon completion. Many trainees choose to enter professional school full-time and others combine further schooling with part-time work at the firm. Most ESCMT trainees are drafters.

An additional service ESCMT can provide on a limited basis is referral of graduates and experienced professionals. They receive resumes, and several companies have fired persons referred by ESCMT. Many of the design firms monitored by the HRC now maintain their own fully-financed training programs.

During the period July 1, 1978 through March 1, 1979, there were 20 ESCMT job placements. Seventeen were minorities (75%) and 4 were women (20%). In addition, 13 trainees from various sources were placed in company-financed training program. All were minority, 4 of them women. The trainees are drafters, except for one office trainee.

Problem areas in the employment program for design consultants include the possible under-utilization of an ethnic or racial group, and possible under-utilization of minority recruitment agency sources. The HRC staff confers with firm representatives to try to resolve these and other problems, and in most cases this has been effective. Currently in the process of investigation is a charge of inadequate recruitment efforts, and one probable complaint of under-utilization of a minority group.

Mr. Vurek said that while future affirmative action agreement with design consultant firms will stress participation of minority and women-owned businesses in City design projects, the HRC staff will continue to negotiate for firm employment goals and training components in order to maintain and increase minority and female employment participation in the design professions.

Mr. Vurek's report listed the forty-one design consultant firms monitored currently by the HRC. A chart of the workforce breakdown of the design consultant firms showed a total of 1,175 employees (1,022 of them at above-clerical levels) with 342 (29.2%) minorities, and 58 (5.6%) women.

It was

*****m/s/c that the HRC accept the Design Consultant Report-Employment.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Proposed HRC Co-Sponsorship of Mission High Assembly Concerning Homosexuality and Violence Against Gays - Commissioner Lyon.

Representatives of the Delinquency Prevention Commission and the Commission of the Status of Women attended the Gay Advisory Committee meeting on May 1, 1979. These two Commissions already have agreed to co-sponsor an assembly to be scheduled before the close of the current school year to address the subject of homosexuality and concerns about incidents of violence against Gay people by students in and around Mission High School.

Commissioner Lyon recalled that the HRC in June of 1977 had forwarded to the Board of Education a Statement of Concern regarding the "intensification of hostility and the escalation of violent attacks against members of the Gay community in San Francisco." Its statement said that there was an urgent need for a program of community education, understanding, and cooperation. The HRC had proposed an approach through curriculum in an understanding of Gay lifestyles.

Commissioner Lyon read from a letter written by Libby Denebeim, Chair of the Delinquency Prevention Commission, to Peter Mezey, President of the Board of Education on April 30, 1979. Ms. Denebeim recounted specific problem areas that had been brought to her Commission's attention by the Center for Special Problems, Gays under 21, and the Gay Teachers' Caucus. They included: physical and psychological abuse by students; lack of sensitivity among many administrators, teachers, counselors and student peers; and difficulty in organizing by the Gay student population. These were concerns regarding the "safety of persons who are gay who live near or travel in close proximity to school sites, particularly the Mission High School." Recommendations made by Ms. Denebeim were: on-going in-service programs for school administrators, teachers, and counselors to sensitize to gay issues and lifestyles and promote understanding; and continuation of work to implement classroom curriculum which includes positive and accurate accounts of the Gay lifestyle.

Commissioner Lyon said a delegation met with Superintendent of Schools Robert Alioto on this issue recently. She said he was in agreement that there be an assembly at Mission High as proposed, and that he is working on a program to deal with the whole issue of violence in schools for the Fall session of the school year. He hopes there can be some kind of in-service training for at least principals before the Fall school year begins.

Following a reading in full of the proposed Statement of Co-Sponsorship, it was

*****m/s/c that the HRC agrees to join with the Delinquency Prevention Commission and the Commission on the Status of Women as Co-sponsors of an assembly at Mission High School dealing with the problem of violence against Gays by

students in and around Mission High School.

In Commissioner discussion of the proposed assembly, its format, and timing the following points were made:

- Commissioner Silva (with concurrence by Chairperson Yamakawa) suggested that small workshops for discussion were preferable to a large assembly, in order to achieve attitudinal changes. He also felt written materials were essential to the format.

- Commissioner Mezey suggested that the format of the proposed assembly was crucial to its effectiveness.

- Commissioner Giles suggested that there was a need to schedule any assembly very soon, as the school year was nearly over.

- Commissioner Lyon said that the principal of Mission High School had been receptive to the proposed assembly, and that the three co-sponsoring agencies would work with him on devising the format and content of the event.

NEW MATTERS

- Nominating Committee Recommendation of Vice-Chairperson

On the recommendation by the Nominating Committee, it was *****m/s/c that Commissioner Donna Solomon be elected unanimously as Vice-Chairperson of the HRC to serve the rest of the 1979 calendar year, succeeding Commissioner Carlota Texidor del Portillo.

- Chairperson Yamakawa requested that announcements of all Standing Committee meetings be sent to Vice-Chairperson Solomon.

- Introduction of John S. Collins, Chairperson of the Grand Jury Committee studying the HRC.

CALENDAR MATTERS

- The next meeting of the HRC will be Thursday, May 24, 1979, at 9:15 A.M., in the Third Floor Commission Room of the Main Library in the Civic Center.

- A special meeting of the Employment Committee will be held Wednesday, May 16, 1979, in the Commission Room (Third Floor) Main Library, Civic Center at 1:30 P.M.

STANDING COMMITTEES

Employment	Special Meeting Wednesday, May 16, 1979 Commission Room, Main Library
Gay Advisory	Tuesday, June 1, 1979 - Noon HRC Offices, 1095 Market St. #509
Housing & Urban Development	To be announced.
Ordinance Revision	Monday, May 14, 1979, 9:00 A.M.
Police Liaison/Social Issues	To be announced.
Youth & Education	Thursday, May 17, 1979, 3:30 P.M. Yerba Buena Senior Center 1111 Buchanan St., First Floor

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM/JC/ew

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of May 24, 1979

NEXT MEETING: Thursday,
June 14, 1979
9:15 A.M.
Commission Room-Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular standing committee meetings.

JUN 13 1979

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ROLL CALL

Commissioners

Present: David Yamakawa, (presiding), Vernon Alley, Sister Bernadette Giles, Antonio Grafilo, Sylvester Herring, Phyllis Lyon, Caryl Mezey, John Morrissey, Donna Solomon.

Excused: Rabbi Alvin Fine, Dan Silva, Nadim H. Zarour.

Staff

Present: Grant S. Mickins, Frank Anderson, Jack Casford, Lloyd Cowan, Luis Escobar, Grace Markham, Vicky Rathbone, Emmett Rosebrough Lydia San Filippo, Mary Gin Starkweather, Essie Thomas, Ed Vurek. Lois Winge, observer from the League of Women Voters.

Pledge of Allegiance

Chairperson Yamakawa explained that (before the arrival of Commissioners Herring and Morrissey) although only seven Commissioners were present, they constituted a quorum of the 12 Commissioners then serving.

- Two newly-appointed (but not formally sworn-in) members of the HRC were introduced: Mrs. Willie B. Kennedy, and Pius S. C. Lee. Mrs. Joan Zamora Moulton also is a new appointee but was not present at this meeting.

The Minutes of May 10, 1979 were approved.

COMMUNICATIONS

- From Irma Rodriquez, Orange County Human Relations Commission Chair, an update of Senate Bill 705 providing state funding for county Human Relations Commissions, and requesting HRC support. See later discussion of Senate Bill 705 in these Minutes under Administrative Committee section.

- From Gilbert E. Brigham, Director, Mayor's Citizen Assistance Center, thanking the HRC support of his office's efforts to obtain funding for a Rental Affairs Council from the U.S. Department of Health, Education and Welfare. The funding proposal was denied, however.

-** From Paul C. Chignell, Vice-President, San Francisco Police Officers' Association, urging that the HRC defer inquiry into an incident involving certain police officers (purported assault of customers in a Lesbian bar called Peg's Place) on April 1, 1979, pending a court hearing. Commissioner Lyon said she had not yet had a response to her inquiry into this matter from Chief of Police Charles R. Gain.

-** From Bartlett D. Dickson, Executive Manager, San Francisco, Electrical Contractors Association, Inc., submitting proposed changes in the Minority Business Enterprise (MBE) section of the HRC Affirmative Action Program, Part III. Mr. Dickson attended the Employment Committee's special meeting on May 16, 1979.

-** From Georgianne Fontana, Representative, Union of American Physicians & Dentists, a copy of a letter to William Goldman, M.D., Mental Health Services, regarding a member, Jacob Kahn, M.D., and alleged discrimination against him in employment because of his age. A complaint has been filed with the Fair Employment Practices Commission by the union.

-** From Frederick E. Jordan, P.E., Jordan/Avent & Associates, a copy of a letter to Jack Young, Chairman, Northern California Chapter, National Organization of Minority Architects, objecting to Mr. Young's support of the HRC minority business definition limitations (10 employees or less; $750,000 annual gross receipts or less) for participation in City construction contracts.

-** From Mayor Dianne Feinstein, a letter outlining an energy conservation program to be implemented throughout City Government.

DIRECTOR'S REPORT

- Annual Meeting of the California Association of Human Rights Organizations.

Director Mickins attended this annual meeting held May 18 and 19 in Palo Alto at the Cabana Hotel. Don Hesse, the HRC Housing Representative, headed a workshop at the conference and made a presentation on the Fair Housing For Families with Children Ordinance. The HRC was part of a City-wide coalition that succeeded in getting this ordinance passed in 1975 by the Board of Supervisors. It forbids discrimination by landlords against families with children in specified rental property in the City.

Mr. Mickins said that the main subject of discussion at the conference was Senate Bill 705, introduced by Senator Alan Sieroty. It is co-sponsored by Assemblyman Art Agnos. The bill would "...expand the areas of responsibility of human relations commission...." and "appropriate $1,600,000 for allocation...to counties for the establishment and expenses of county human relations commission...not to exceed an amount equal to 7 cents per resident of the county and contingent upon the county appropriating not less than a like amount for the same purpose."

Mr. Mickins said the conference brought out that many small California county commissions which were dissolved, disbanded, or sharply reduced in staff and funding after Proposition 13 was passed in June of 1978, feel that SB 705 is their "only hope" of reviving their work.

STANDING COMMITTEES

ADMINISTRATIVE
Donna Solomon, Chairperson

- Recommendation Regarding Support of SB 705.

At its meeting May 23, 1979, the Committee considered this measure, whose support is urged by Assemblyman Agnos and many county human relations commission, or former members of commissions that have been dissolved following Proposition 13. The Committee, however, had a number of concerns about the bill as presently worded. The bill has been passed by the Local Government Committee and is scheduled for a hearing before the State Senate's Finance Committee on June 11.

Vice-Chairperson Solomon noted that SB 705 does not refer to powers and duties of affirmative action in employment, or prohibiting discrimination in real property contracts such as are mandated for the San Francisco HRC in Chapter 12B and 12C of the Administrative Code.

She then read in full a proposed Resolution Supporting State Senate Bill 705 (Sieroty). This proposed Resolution would have the HRC endorse SB 705 and recommend passage providing that:

1. The bill be amended to include a nonpre-emption clause pertaining to local governmental functions; and

2. Language be included to assure that state funding does not serve in substitution of local governmental funding heretofore provided.

Commissioner Mezey stated that she was concerned that the HRC had not had a chance to discuss its concerns about the above inclusions in the bill before its endorsement. She said she felt that since SB 705 only enumerates those functions that are covered in Chapter 12A for the HRC, that there might be a move in the future by local government to seek conformity only to the state law, thus jeopardizing the HRC's present powers. She noted that the San Francisco HRC had enforcement powers that were unique to it and only one or two other metropolitan commissions in the United States. She felt that the HRC would naturally support efforts of small, local county commissions to get state funding, she was apprehensive of the San Francisco HRC's possibly jeopardizing its wider powers.

Commissioner Giles wondered whether the HRC concerns could be conveyed in time to the bill's author for inclusion as a condition of its endorsement.

*****Commissioner Mezey then moved that staff obtain from Senator Alan Sieroty a letter stating that it is not the bill's intent to limit or delete any powers any existing commissions possess, and further, that the statement of intent be made not only to the SanFrancisco HRC but to all legislators before they take their final vote on this bill.

Jack Casford reported that he had talked by telephone May 23, 1979, with Michael Siegel, of Senator Sieroty's staff in Sacramento, told him the HRC's Administrative Committee was considering SB 705 and explained its concerns. Mr. Casford was told that the HRC could write to Mr. Siegel detailing its concerns about necessary inclusions in the bill before Senate action.

Mr. Mickins noted that the strong support for SB 705 did come from southern California and from smaller commissions in the state that had not possessed affirmative action enforcement powers. These smaller commissions, he said, felt that, with the uncertainty about any state surplus monies as "bail-out" funds next year, state funding was one hope for their continuation.

- There was discussion among Commissioners about procedures to be followed.

It was then,

*****m/s/c that the HRC adopt the Resolution Supporting State Senate Bill 705 (Sieroty), and that it obtain a statement of intent from the Senator as specified in the motion by Commissioner Mezey. The full text is attached to these Minutes.

- There followed Commissioner Discussion on what technical procedures need be followed by the HRC as regards the State Legislation Committee of the City. The Mayor's Office had directed, in a Memorandum issued in February, that departments and commissions submit positions on bills before the state Legislature to this Legislation Committee to "develop an official City position . Commissioners earlier had expressed their concerns about this required procedure that could even at best, significantly delay any impact an HRC position would have on a bill.

- On March 22, 1979, the HRC had voted to request the City Attorney for clarification on the Mayoral Memorandum: Positions on State Legislation, of February 1, 1979.

- Commissioner Mezey reiterated her feeling that the requirement that all HRC positions on state legislation have to go through the State Legislation Committee "severely limits" the HRC's ability to do anything effectively outside its enforcement powers. She again requested that the Director seek the City Attorney's opinion on whether the HRC is bound by the Mayoral Memorandum.

*****Director Mickins said he would again check with the City Attorney's Office on the applicability of the Memorandum on the HRC.

Commissioner Mezey said that she felt that the HRC was not developing City policy when it took positions on legislation, but acting independently, and such a restrictive procedure would greatly hamper its role.

- Charter Revision Committee

The HRC's scheduled appearance before the Charter Revision Committee for May 22 to discuss its position on Charter revision and whether it favored the HRC being included in the Charter, was cancelled.

- Wilson Chang, chairperson of the Charter Revision Committee, was present at this meeting and announced that the HRC's presentation has been re-scheduled for Thursday, June 21.

*****Chairperson Yamakawa asked that each HRC Standing Committee submit any suggestions it has regarding Charter revision in relationship to the areas they felt the Charter should address to Vice-Chairperson Solomon, who was named to coordinate these suggestions with the recommendations of the Ordinance Revision Committee, which she chairs.

- Re-Scheduling of the Pier 39 Appeal Hearing

This hearing, an appeal by North Point Pier, Inc., of a finding of non-compliance against it by the HRC, which has twice been postponed, was re-scheduled tentatively for Wednesday, June 13, 1979, at 9:A.M., in the Commission Room of the Main Library.

EMPLOYMENT
Vernon Alley, Chairperson

- Recommendation on Minority and Women-owned Business Participation Goal Policy of the HRC. - Frank Anderson, HRC Employment Representative.

The HRC on April 26, 1979 voted 5 to 4 to suspend the size limitation (Affirmative Action Requirements for Prospective Consultants, January 31, 1979, III Definitions D. 2.) insofar as it applies to the HRC's policy on minority businesses, pending a further report and action, and that the suspensions be in effect only as far as Requests for Proposals that would be issued on or after May 1, 1979. These size limitations (10 or fewer permanent employees; $750,000 or less annual gross receipts to qualify as a small minority business) had been challenged by Frederick Jordan, President, Jordan/Avent & Associates, a minority civil engineering firm which was larger than these limitations.

The Employment Committee then scheduled this issue for discussion at its May 3 regular meeting. Mr. Anderson said there was a widespread response from the community following the HRC's limitation suspension action of April 26. He said the primary questions of the community were:

1. Why the HRC took this action which had neither been originated at the Committee level, nor recommended by Committee vote... and
2. Why the HRC acted so abruptly to change its adopted policy.

Mr. Anderson said the staff and the Employment Committee on May 3 were unable to answer these questions satisfactorily. It was then decided to call a special meeting of the Employment Committee on May 16. At that meeting the Committee also considered possible modification of the HRC's affirmative action program in construction to include goals designed specifically to facilitate participation of small, minority-owned firms in City construction contracts.

Some 45 persons attended the special meeting May 16 which lasted more than three hours. Commissioner Alley presided.

Mr. Anderson said the recommendations on design consultant participation goals for minority and women-owned businesses were adopted unanimously by the Employment Committee on May 16.

Mr. Anderson then introduced Vicky Rathbone, HRC Contract Compliance Specialist, who compiled and wrote the report, Affirmative Action Requirements for Small Businesses. That report follows verbatim as Ms. Rathbone gave it:

(For this report, minority and women-owned businesses will both be included in the term "Minority".) The policy suspended by the HRC April 26, included the following goals and guidelines.

a) Minority businesses will be hired to perform 25% of the contract work. Half of this work, or 12½% of the contract work, will be awarded to SMALL minority businesses.

b) On large projects (over $1,000,000 in total fees), and where major work is subconsulted (over $750,000), small MBE and WBE firms will be hired to perform portions of the prime's and subconsultants' work, respectively.

During HRC discussion, four principal areas of concern were raised in relation to the above policy. Following is a description of these areas of concern, some data designed to facilitate their consideration and evaluation, alternative solutions, and a staff recommendation.

1. Problem Areas arising from the suspended MBE goal for small businesses:

a) Inhibition of the growth or capacity building potential of small businesses.

b) Defining of the size of a firm that constitutes socio/economic and competitive disadvantage.

c) Lack of encouragement of Joint Ventures.

d) Need for special consideration for minority groups underrepresented in the design professions.

2. Statistics on the size of Bay Area design firms and their ethnic breakdown.

A. Minority - owned Architectural Firms:

a) Average size: 6 employees.

b) Number of firms with less than 10 employees: 74 or 90%

c) Number of firms with over 10 employees: 9 or 11%

d) No firms have over 30 employees.

e) Average gross receipts of firms last year: $211,535.00. Only 3 firms earned over $750.000.

f) Ethnic breakdown of firms:

54	or	63%	Asian
10	or	12%	Hispanic
11	or	13%	Black
1	or	0.1%	American Indian
11	or	13%	Women

B. Minority-owned Engineering Firms

a) Average size: 13 employees

b) Number of firms with less than 10 employees: 23 or 61%

c) Number of firms with over 10 employees: 15 or 40%

d) 4 firms have over 30 employees.

e) Average gross receipts of firms last year: $375,470.00. Only 5 firms earned over $750,000.

f) Ethnic breakdown of firms:

36	or	73%	Asian

5	or	10%	Hispanic
7	or	14%	Black
0	or	-	American Indian
1	or	0.2%	Women

3. Alternative Solutions:

a) Reinstatement of suspended policy.

b) Elimination of all mention of small businesses from the policy.

c) Adjustment of the definition of a small business in relation to engineering firms (which are on average larger than architectural firms.)

d) Change in the policy's emphasis on small businesses to an emphasis on socio/economically-disadvantaged businesses. The definition of a socio/economically-disadvantaged business could include:

I) firms owned by members of minority groups under-represented in the design professions.

II) Small businesses as defined in the suspended policy or as adjusted.

4. Staff Recommendation:

Adjustment of the definition of a small engineering firm to 20 employees and $750,000 in gross receipts. This would include 84% (or 32 out of 38) of minority engineering firms.

This recommendation is based on the following observations:

a) Staff feels a small business goal should be preserved because a disproportionate number of minority architectural and engineering firms have under 10 or 20 employees respectively. Also, the average number of employees in minority design firms is half the average as compared to all design firms.

Chapter 12B 4 (c) (5) the Administrative Code states that affirmative action programs required under the Ordinance must "be concerned with..encouraging the use of..contractors, subcontractors and suppliers of all ethnic..groups." 87% (or 105 out of 121) of Bay Area minority..design firms are covered by the suggested revised definition of a small minority business. A small business provision aimed specifically at these firms will compensate for the competative disadvantage they suffer in relation to the remaining 13% (or 17 out of 121) of the firms.

b) Staff does not feel the policy inhibits the growth potential of larger firms.

87% of Bay Area minority design firms are..covered by..the suggested adjusted definition of small business. According to the policy, 12% of the MBE goal is aimed at these firms. The remaining 12½% may be awarded to the 13% of minority firms that are not defined as small, to continue to encourage their growth.

c) Joint Ventures.

Although there is no specific mention of joint ventures, nothing in the present policy discourages them. The policy does discourage meeting the MBE goal through association with one firm only particularly on large projects, whether the firm be large or small, or through joint ventures or subconsultants.

d) Under - represented Minority Groups.

The policy already requires a balance in ethnic representation on all project teams. In that they are fewer in number, firms owned by the under - represented groups are provided special consideration through this provision.

Ms. Rathbone reiterated that a disproportionately large number of minority design (engineering and architectural) firms in the Bay Area are quite small and that the size limitations had been seen as the best way to give them opportunity to enter the main stream of competition. She emphasized that the definitions (10 employees or less; $750,000 or less gross annual receipts) included 90% of all minority firms in the Bay Area.

She pointed out that in the early years of the San Francisco International Airport expansion work, two large minority-owned firms had completely dominated the minority portion of construction contract participation there. When the HRC recently introduced its program concerning the South and Central Terminal renovation and expansion, there were two or three large minority-owned firms doing substantial portions of the work, but with eleven or twelve smaller minority-owned firms also doing substantial parts of the project. She said these smaller ones would not have been chosen for the work without the existence of the HRC component. Thus, until the HRC program, with its size limitations, went into effect, only 10% of the Bay Area minority-owned design firms were getting most of the minority portion of construction contracts, leaving 90% of them out. She emphasized that there was a broad concensus of opinion in the community opposing the HRC's April 26th suspension action, and calling for restoration of the limitations. (small business provision.)

Ms. Rathbone said the remaining 12½% of the overall 25% minority participation goal can be awarded to large minority-owned firms, since large minority-owned firms still need assistance to continue to grow and opportunity to participate competitively.

Ms. Rathbone stressed that the HRC program is not aimed at facilitating minority firms in becoming prime consultants under City contracts; it is aimed at facilitating them in becoming sub-consultants. The program, she said, could not help them get prime contracts; that can be done by trying to convince awarding agencies or departments to select minority firms as prime consultants.

There followed extensive discussion on Ms. Rathbone's report.

Members of the profession who spoke included:

Emilio de la Fuente of Waste and Water International, who said that the only way his and other smaller minority-owned firms can participate competitively for these City construction sub-contracts is through the encouragement and support of the HRC and its program, which he called "vital to our survival." There is he said, still some resistance in the industry to minority participation.

Wilson Chang, of Asian, Inc. spoke in support of the Program.

Jack Young, President, Northern California Chapter of the National Organization of Minority Architects, who urged, on behalf of his colleagues, that the HRC retract its April 26 action of suspension. He said he would support an increase in the limitation of permanent employees from 10 to 20, but that he felt that the $750,000 gross annual receipts was realistic and should be retained. He said NOMA would be glad to cooperate with the HRC in adopting guidelines for contractors' affirmative action commitments.

George Newkirk, Public Utilities Commission Affirmative Action Officer, stated his support of what he called "an adjusted reinstatement" of the limitations. He said he felt that the participation of HRC staff in the selection process was the best way to assist minority firms in getting prime contracts.

Gerald Johnson, President, Black Business Association, said that when he had personally appeared at the HRC's April 26, 1979 meeting to urge that it suspend its limitations policy regarding small, minority-owned businesses, he had not been fully aware of the HRC program component for large minority-owned firms qualifying for 12½% of the contract. He said at this time he fully ap-

proves of the HRC's move to reconsider his action, but he said in his opinion the minority community had not been fully informed about the Employment Committee's May 3 and May 16 special meeting.

Mr. Johnson said he thought it was a good step for the HRC to review its action, so that small and medium-sized businesses might have enhanced opportunities, but he also said small firms should not be discouraged from expanding and anticipating growth.

- Commissioner Mezey commended the HRC staff and Employment Committee members on the swiftness of their response to this issue, and said she hoped that any confusion created by the suspension action of the HRC will be eradicated as quickly as possible.

- Commissioner Morrissey stated that he holds to his previously-stated opinion that the HRC "does not have the authority or jurisdiction to consider small business in and of itself, and to thereby encourage small business." It is true, he said, that the federal government does have such a policy, but he knows of no such policy by the City of San Francisco. If it can be shown, he stressed, that minority-owned businesses have as a characteristic that they are small whereas majority-owned businesses do not have that characteristic, then he might make a distinction. But just to encourage small as distinct from large seems to him, he said, to run at odds for what he feels he is responsible for as a Commissioner, namely, to correct the past and to encourage the growth of the members of the minority (community) in the business world. He said he has seen no evidence to see the connection between size and ethnicity or race as regards competitive ability. He urged that the HRC not make this distinction.

Ms. Rathbone was asked to cite the sources of her statistics, and she said that she worked with the American Association of Architects and the American Consulting Engineers Society. On the renewed question of the comparative sizes of majority and minority-owned design consultant firms, she stated that while many locally-based, majority-owned firms may have small <u>local</u> staffs, they usually are part of large national or multi-national firms based out of the state. She repeated that in the research she found that a disproportionately-large number of minority-owned firms in the Bay Area have small staffs, which are their total staffs.

It was then

*****m/s/c that the HRC reinstate the minority and women-owned (design consultants) business participation goal policy that had been suspended April 26, 1979 as follows:

a) Minority businesses will be hired to perform 25% of the Contract work. Half of this work, or 12½% of the contract work, will be awarded to SMALL businesses.

b) On large projects (over $1,000,000 in total fees) and where major work is subconsulted (over $750,000), small Minority Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) firms will be hired to perform portions of the prime's and subconsultants' work, respectively.

<u>and</u>

Adjustment of the definition of a small engineering firm to <u>20</u> employees (from 10) and $750,000 in gross receipts. This would include 84% (or 32 out of 38) of minority-owned engineering firms.

Commissioner Morrissey voted no.

- <u>Recommendations of the Employment Committee on Modifications to Part III of the HRC's Affirmative Action Program in Construction</u> - Stanley Lim, HRC Contract Compliance Officer.

Mr. Anderson began this presentation by noting that this had been acted on at the Committee's May 3 meeting. This item also was discussed at the May 16 special meeting. The recommendations were adopted after public testimony and and Committee discussion.

Mr. Lim then gave the background on the recommended modifications. He noted that for the past two and one-half years there has been an "open basis" affirmative action participation in construction contract bidding for minority contractors. The only preclusions were any firm that had been declared a non-bonafide minority firm after an HRC audit, or any firm declared ineligible to bid by the HRC.

Since the award of the Moscone Convention Center contracts, he said, the HRC has received numerous complaints about the participation of one large specialty contractor that claimed to be a minority-owned firm. Mr. Lim then provided a list of 80 top specialty contractors in both the mechanical and electrical fields and 400 of the largest general contractors in the country which shows that one minority firm is among them.

Mr. Lim said there must be a consistent policy regarding construction, engineering, and design contracts so that the HRC can assist small, socially and economically-disadvantaged firms to participate. Staff has met with representatives of several groups expressing concern about minority participation policies.

Mr. Lim said that 90% of the 700-800 minority-owned construction firms in the Bay Area can be characterized as small and fall within the two recommended categories (a top limit of $5 million for a general building or general engineering contractor to qualify as a minority business enterprise; a top limit of $1.5 million for a specialty contractor). He asked that HRC staff be given the flexibility to adjust to the annual inflation rate, which has been averaging 10% a year.

Speakers from the audience who addressed the HRC on these recommendations included:

Clarence Santee, of Comet Electric, who supported adoption of the limitation figures recommended. He said that statistics show that the average Bay Area specialty contractor in the Bay Area rarely grosses more than $1 million annually.

Tommie Freeland, of Tommie Electric, also supported the recommended limits.

Bart Dixon, of the San Francisco Electrical Contractors' Association, which he said included approximately 80% of all San Francisco electrical contractors in its membership, with 10% small minority-owned electrical contractors. Mr. Dixon said he and his organization support the recommendations "100 per cent." He pointed out that large minority-owned firms can sub-contract with small minority-owned firms. Of the estimated 9,000 electrical contractors in the United States, he said, only 1% or about eighty (80), gross more than $3 million annually. Thus, he said, setting a $1.5 million top limit gross is including virtually all the small firms.

Gerald Johnson requested that the HRC postpone action on these recommended modifications for thirty days. He said that most of the minority business community has not had an opportunity to review and discuss them. He said that growth and "bigness" should not be equated.

Jake Sloan, Affirmative Action Officer, Wastewater Management Program, said he agreed basically with the policy of defining minority and small and minority-owned firms, but that the recommended HRC guidelines were unrealistic. He said only one Black-owned firm in the nation, in Georgia, made $25 million annually. In the Bay Area, only one minority firm makes more than $5 million annually. That is on a joint venture with non-minority-owned firms, and that is because its participation was "forced." He recommended that upper limits be raised from $5 million to $20 million for specialty contractors. He said the lower limits will penalize some minority-owned firms for their growth. Some bids, he said, are made with only a 1½% profit margin. Only two Bay Area trucking firms, he said, gross more than $1 million annually.

Mr. Sloan also said that there are less than ten Black-owned firms in the nation doing more than $10 million in construction work. He claimed that with the limits as set in the recommendations, e.g., $5 million for general contractors, when a minority firm reaches that level, it will lose its opportunity to be considered for contracts because it can no longer qualify under the minority business enterprise category. Beyond that, he said, they cannot com-

petitively operate against bigger firms.

Mr. Lim responded to Commissioner Solomon's inquiry about the input from the industry in arriving at the limitations by saying that the HRC had invited various minority contracting associations to the May 16 meeting, but that few had come forward to offer their suggestions. Staff had developed the figures, he said, by its own research, including examination of other regulations, and of its own files, which showed that 90% of the Bay Area minority-owned firms would be benefited by the limits. No group, he said, had formally submitted statistics as suggestions for setting the limits. He said that Messers Sloan and Johnson had been notified of the May 16 meeting, and that he was surprised at their comments today.

Mr. Sloan suggested that contracts be written to require that one minority contractor could not be used for the entire minority participation guideline.

Mr. Johnson said it would take six to eight weeks to gather minority contractors to respond to this issue and submit suggestions.

Mr. Dixon said that his organization (Electrical Contractors Association) had first written to the HRC eight months ago on the subject of setting limitations/definitions for MBE participation. He said that there had been communication between HRC staff and the community on the subject for the past six months.

Frank Anderson of the HRC staff corroborated Mr. Dixon, saying that this subject had been under wide discussion for the past six months at the Employment Committee, which made a recommendation to the Ordinance Revision Committee, on one aspect in March. He said the HRC immediately sent notices to the community of the May 16 meeting when it was decided to hold it, and that this "massive mailing" was followed by packets of background and informational material. He said he felt certain that advance notification was more than adequate.

- Commissioner Herring asked if the HRC were "locked into" the figures, such as the $5 million for general contractors. Mr. Dixon said the federal government had set a limit of $3.5 million, down from its original $5 million.

*****Commissioner Mezey then moved an amendment to the adoption of modifications to Part III of the HRC's Affirmative Action Program in Construction, to add the requirement that the Employment Committee report back in six months with a review of the figures that have been set, so there can be an opportunity to assess, from input from the public and others concerned, if they are realistic, this motion was seconded.

- Asking why there was any urgency in taking the adoption action at this meeting, Commissioner Herring was told by Director Mickins that the HRC had sent notices (of the May 3 and May 16 meetings) to every minority contractor association and that it felt an obligation to interested parties who had come two and three times to HRC and Employment Committee meetings expecting its action.

Commissioner Herring said he was pleased with the HRC suspension action on April 26. He said he looked to Mr. Johnson for leadership on these matters, and he wondered why HRC staff had not worked on them with him and Mr. Sloan previously. He suggested that the HRC send what he called a final notice to all interested parties, and set a definite date for final HRC action, say in 30 days.

- Commissioner Mezey expressed her concern at "using this body for new testimony to overturn the work of a Committee that is serving us extremely well." She again recommended that the matter be referred back to the Committee, at which point she would urge that no public testimony be allowed at the Commission level to avoid the introduction of new material the full Commission is not prepared to judge. Her motion for a review in six months of the experience of the application of these limitations, she said, would permit an orderly collection of data from anybody wishing to submit it.

*****Commissioner Herring then moved that the Committee's modification recommendation be sent back to the Employment Committee for thirty days.

This motion was seconded.

Commissioner Mezey asked that if the matter is referred for 30 days, when it comes back to the full HRC, no public testimony will be heard by the commission.

It was then

*****m/s/c, 5 to 4 (with Chairperson Yamakawa voting in favor) that the HRC refer the recommendation for modifications to Part III of the HRC's Affirmative Action Program in Construction back to the Employment Committee for 30 days, with the instruction that the committee bring it back, after taking public testimony at the Committee level, to the full HRC on June 28.

Chairperson Yamakawa said he recognized the concerns about eroding Committee jurisdiction by allowing public testimony at HRC meetings. He then directed the Employment Committee to return with a full report, including its recommendations, background data, pro and con testimony, and reasons for its recommended position. At that time, he said, he will not allow public testimony at the HRC on the subject.

- Report on Minority Business Enterprise (MBE) Participation in Phase II of the Moscone Convention Center Project - Stanley Lim.

Commissioners had been provided with a listing of contracts committed to minority-owned firms for the construction of the Moscone Center. The statistics had been prepared by Calvin Hayes, the Affirmative Action Officer for the Center. The statistics showed estimated costs, lowest bidder and base bid price, ethnic identification, and type of work.

Mr. Lim said that the HRC had worked with the Affirmative Action staffs of the Redevelopment Agency and the Moscone Convention Center project to complete analysis of all the bids submitted for this giant project. (Phase II- -underground construction and finishing work for the Convention Center).

Of the total $79,868.064 in contracts awarded, minority-owned firms received $12,281,711.80 or 15.3%. The breakdown is as follows:

Black	$4,393,375.80.....	35.8%
Hispanic	$7,845,406.....	64%
Asian	$10,500.....	less than 1%
American Indian	$32,430.....	less than 1%

Very few Asian contractors, he said, were willing to bid on Phase II contracts.

In the Phase I, or Excavation and Shoring part of the project, minority-owned contractors received 15.4% of the contracts in the amount of $560,700.

In the HRC audit, using the firm of Lien & Quan, CPA, of three firms submitting bids as MBE-eligible, two had been ascertained as non-bonafide minority bidders. He said that the HRC had achieved something unique in the field, by using an outside auditing firm to disqualify bidders as not legitimately minority-owned.

Six remaining contracts wil be advertised for construction of Phase II by late June, and the HRC will apply the guidelines of socially and economically-disadvantaged to them if the HRC had adopted the modifications by June 28.

Gerald Johnson announced that he will be submitting a written response to Mr. Lim's report.

YOUTH AND EDUCATION
Sister Mary Bernadette Gilles, Chairperson

- Special Education Program.

This report was postponed to the next HRC meeting.

NEW MATTERS

- Resolution of Commendation to Commissioner Carlota Texidor del Portillo - Commissioner Solomon.

This Resolution was read in full and it was

*****m/s/c that it be adopted and transmitted to former HRC Commissioner del Portillo. The full text is attached to these Minutes.

- Statement of Concern Regarding the Event of May 21, 1979 in the Civic Center at City Hall - Commissioner Lyon.

The full text of this Statement of Concern was read by Commissioner Lyon.

It was

*****m/s/c to adopt the Statement of Concern Regarding the Event of May 21, 1979 in the Civic Center at City Hall. The full text is attached to these Minutes. The Statement was written jointly by Jack Casford, Lloyd Cowan, Del Martin, and Commissioner Lyon.

- Copies of the HRC's Rules of Procedure in Affirmative Action were distributed to the Commissioners to prepare for their participation in the North Point Pier, Inc., appeal hearing on June 13, in the Commission Room of the Main Library at 9:00 A.M.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, June 14, 1979, at 9:15 A.M., in the Third Floor Commission Room of the Main Library in Civic Center.

The schedule for the n ext six months will be distributed to all Commissioners in the mail and announced at the June 14 meeting.

STANDING COMMITTEES

Employment	Thursday, June 7, 1979 - 9:30 A.M. Jewish Vocational Service - Flood Building 870 Market St. (Powell/Market) Suite #675
Gay Advisory	Tuesday, June 1, 1979 - Noon HRC Offices, 1095 Market Street - #509
Housing & Urban Development	To be announced
Ordinance Revision	To be announced
Police Liaison/Social Issues.	To be announced
Youth & Education	Thursday, June 7, 1979 - 3:30 P.M. Yerba Buena Senior Center 1111 Buchanan Street Entrance on Golden Gate Ave.

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM/JC/ew

RESOLUTION SUPPORTING SENATE BILL 705 (Sieroty)

WHEREAS, Human Relations Commissions of local governments, like other human services departments, have suffered severe budget reductions as a result of local government efforts to meet the challenge posed by Proposition 13; and

WHEREAS, the programs administered by Human Relations Commissions are vital to insure that the civil rights of all California residents are protected; and

WHEREAS, these Commissions work to improve the climate of human relations among all ethnic, racial, and religious groups and thereby contribute to a healthier society; and

WHEREAS, the need to continue to work to improve human relations is especially important in times such as these when high levels of unemployment and spiraling inflation place a particularly heavy burden on poor people, a disproportionate number of whom are minorities; and

WHEREAS, S.B. 705 would provide matching funds from the State equivalent to funds set aside by counties for operation of Human Relations Commissions; and

WHEREAS, the California Association of Human Rights Organizations in conference assembled in Palo Alto believes that S.B. 705 would provide vital strength to citizen efforts to upgrade the quality of life and relationships for all Californians with very minor public expenditure and with immeasurable but substantial public savings resulting from greater self-sufficiency and less tension, conflict and related social problems;

NOW, THEREFOPE, BE IT RESOLVED, that the San Francisco Human Rights Commission endorse S.B. 705 and recommend its passage providing that:

1. The bill be amended to include a non-preemption clause of local governmental functions; and
2. Language be included to assure that state funding does not serve in substitution of local governmental funding heretofore provided; and

BE IT FURTHER RESOLVED, that the Human Rights Commission, together with the California Association of HRC's, exert every effort to encourage the California Legislature and local government officials to implement fully the provisions of this much-needed legislative measure.

Resolution 10-79
Adopted by HRC 5/24/79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street
Suite 501
San Francisco, California 94103
Telephone 558-4901

RESOLUTION OF COMMENDATION
TO
COMMISSIONER CARLOTA TEXIDOR DEL PORTILLO

WHEREAS, Carlota Texidor del Portillo served faithfully and effectively as a member of the Human Rights Commission from March 18, 1976, to April 24, 1979; and

WHEREAS, Commissioner del Portillo from the first entered energetically, forcefully, and constructively into the implementation of the mandate of the Human Rights Commission; and

WHEREAS, Commissioner del Portillo served as Chairperson of the HRC's Employment Committee and contributed to its deliberations and recommendations for widening employment opportunities throughout the City; and

WHEREAS, Commissioner del Portillo served as Vice-Chairperson of the Human Rights Commission, and presided with authority and distinctive flair over its regular meetings; and

WHEREAS, Commissioner del Portillo took a personal interest in not only her colleagues of the HRC, but also the professional and clerical HRC staff members; and

WHEREAS, Commissioner del Portillo was most eloquent and impressive as spokesperson for the diverse interests of the Hispanic community;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission formally express its deep appreciation to Commissioner del Portillo, commend her on her new appointment to the Civil Service Commission, and extend her its collective and personal feelings of warmth and good will.

##########

Resolution 11-79
Adopted by the HRC 5/24/79

JC:bct
5-30-79

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

A STATEMENT OF CONCERN

Regarding the Events of Monday, May 21, 1979 in the Civic Center at City Hall

The verdict in the Dan White case and the events following have escalated tensions in this City to a new high. The Human Rights Commission came into being with the express mandate to help reduce community tensions and we ask that all San Franciscans refrain from making judgments based on incomplete information, rumor or prejudice about the root or specific causes of the violent actions at City Hall.

We support Mayor Feinstein's call for full investigation into both the tragic and damaging actions at City Hall and subsequent outbreaks of confrontation between police and private citizens.

The Human Rights Commission recognizes the history of good faith efforts by members of the Gay community and others to widen public understanding, urge acceptance and effect positive social attitudinal change. The Human Rights Commission has for some time had a Gay Advisory Committee headed by a Commissioner and staffed by a Gay Liaison Worker. These resources remain ready to lend all assistance possible to public and private group efforts to reduce the flames of misunderstanding and distortion about the facts of these events.

All human rights are imperiled when hatred, suspicion and rumor feed on prejudice and frustration. The Human Rights Commission is certain that with mutual cooperation between citizens and government agencies the City can work its way out of its present distress.

##########

Adopted by the HRC May 24, 1979

gm
5/30/79

SF
4180
H2
6/14/79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of June 14, 1979

NEXT MEETING: Thursday
June 28, 1979
Commission Room Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee meetings

JUN 26 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Rabbi Fine, Sister Bernadette Giles, Antonio Grafilo, Mrs. Willie Kennedy, Pius Lee, Phyllis Lyon, Caryl Mezey, John Morrissey.

Excused: Sylvester Herring, Joan Moulton, Dan Silva, Donna Solomon, Nadim Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Lloyd Cowan, Luis Escobar, Linell Harden, Joe Meza, Emmett Rosebrough, Lydia San Filippo, Essie Thomas, Gail Roberts.

Pledge of Allegiance

The Minutes of May 24, 1979 were approved.

COMMUNICATIONS

- From Joseph L. Rose, a copy of a letter sent to the Mayor, the Civil Service Commission, the Chief of Police, and other City officials, regarding a discrimination complaint he had earlier filed regarding his rejection in the testing procedures for employment as a police officer at San Francisco International Airport. This letter was read in full, and Director Mickins gave a brief summary of the circumstances and status of Mr. Rose's complaint case and the HRC involvement. An HRC staff member investigated the complaint (protesting sexual orientation questions used during a polograph test administered to Mr. Rose), and Director Mickins, after review, ruled that it was a case of sexual orientation discrimination. However, the test was administered in San Mateo County, which does not have sexual orientation as a nondiscrimination category.

The polygraph exam is conducted partially, Director Mickins said, by the San Mateo Sheriffs Department for the San Francisco Civil Service Commission.

The HRC recommended that Mr. Rose be allowed to continue the examination process and not be disqualified on the basis of the sexual orientation question. The Civil Service Commission agreed with this recommendation, but another dispute has occurred because Mr. Rose was asked to pay a reported $150.00 for another polygraph test. (See letters below).

The Mayor has indicated her satisfaction with the HRC's role in this complaint case as has Mr. Rose.

- From Alice A. Lytle, Agency Secretary, State and Consumer Services Agency, enclosing a copy of the Governor's Reorganization Plan No. 1 of 1979, which would transfer the Fair Employment Practices from the Department of Industrial Relations to the State and Consumer Services Agency and to elevate the Division to departmental status. Ms. Lytle formerly was Chief of the Division. *****Commissioner Morrissey asked to be sent a copy of this letter.

- From Maria-Elena James, Director, Small Claims Court Project, District Attorney's Office, announcing workshops for the staff of community organizations

in the City to train them on procedures of the Small Claims Court.

- From Julian D. Munoz, Principal, Group 4/Architecture, Research and Planning, Inc., thanking Ms. Vicky Rathbone of the HRC staff for continuing to help "insure the participation of small and minority businesses on projects..." Mr. Munoz's firm has been selected to prepare designs for an Airport construction contract.

- From Georgianne Fontana, Representative, Union of American Physicians and Dentists, requesting HRC assistance in an age discrimination complaint case if the Fair Employment Practices Commission does not accept it. The case, referred to in the May 24, 1979 HRC Minutes Communications Section, concerns a physician, Jacob Kahn, M.D., whose position will tentatively be defunded effective, July 1, 1979, at the Center for Special Problems.

- Director Mickins said it was his understanding that the union had withdrawn its complaint at the FEPC.

- From Harold B. Brooks, Jr., Executive Director, Bayview-Hunters Point Joint Housing Committee, thanking Director Mickins for his recent presentation at a housing workshop.

- From William H. McInerey, a partner in the law firm of McInerney& Dillon, attorneys for Granite-Yamanishi, a Construction Firm, a copy of a long, detailed letter protesting the award by the Director of Public Works of a contract to another firm for work in the Fort Mason Tunnel, North Shore Outfalls Consolidation Contract N-1, on the grounds that the low bidder did not meet HRC affirmative action guidelines. At the request of Commissioner Mezey, this protest was discussed by Director Mickins. He reported that the HRC is responding to the objections in the protest letter and its position will be forwarded to Jeffrey Lee, the Director of Public Works, for his use if a hearing is called to resolve the issue. If the protesting party does not accept the hearing recommendations, it may appeal to the State Water Quality Control Board.

- From Joseph L. Rose, (see above) a copy of his letter protesting being told he must pay $150.00 for taking another polygraph test as part of his qualifying for a San Francisco International Airport police officer position.

- From Georgianne Fontana, a copy of her letter to Ms. Mary Samis, Consultant for the Fair Employment Practices Commission, asking that she stop any forther action on the case of Jacob Kahn, M.D. (see above) and requesting that the HRC "officially intervene and include Dr. Kahn in your investigation at the Center for Special Problems."

- From Joseph L. Rose, a copy of a letter informing the Mayor that on June 8 he was told that the Civil Service Commission will pay for his up-coming polygraph examination (at a cost of $50.00, not $150.00). Mr. Rose expressed his gratitude for the resolution of this case to his satisfaction.

- From L.A. Vagadori, Chief of Project Managers, San Francisco Wastewater Program, a copy of a Memorandum to all project managers regarding agreement on the HRC's procedures in modification of architectural and engineering contracts.

- From Bernard Teitelbaum, Executive Deputy to the Mayor, a copy of a Memorandum on Travel Expenses to all City department heads, prohibiting the reimbursement (via City ordinance No. 249-79), of travel expenses to states which have not ratified the Equal Rights Amendment.

- From John H. Davison, Assistant General Manager, KPIX, a local Columbia Broadcasting System affiliate television station, a copy of his report on an interview with Director Mickins as part of the Federal Communications Commission reassessment (of station air license) process.

- From Steven H. Herman, partner in the law firm of Rudy, Rapoport and Holden, representing North Point Pier, Inc. (the Warren Simmons Pier 39 development company), regarding a new date for the firm's appeal of a Finding of Noncompliance by Director Mickins. See Director's Report below.

- From Joseph J. Botka, Chief Probation Officer, responding, on referral from Robert J. Drewes, Presiding Judge, Juvenile Court, to the HRC's April 25, 1979 letter providing background on the HRC's involvement in the issue of charge bargaining in the Court and its five recommendations adopted March 5, 1979. This letter was read in full by Director Mickins. See under Director's Report.

There was discussion of Mr. Botka's letter and its response to the HRC recommendations.

*****Commissioner Morrissey asked that each member of the former Police Liaison Committee, which held extensive public hearings on the issue of charge bargaining in 1977-78, receive a copy of the Botka letter. Commissioner Grafilo also asked that he receive a copy.

- From Prudence Poppink, Employment Law Center attorney, a copy of a communication sent to the Legal Aid Society Board Members regarding the announcement of the signing of a compliance agreement between the City and County of San Francisco and the federal Office of Revenue Sharing. This was the culmination of the filing, two years ago, of an administrative complaint against the City with CRS by the Employment Law Center, the Mexican-American Legal Defense Fund (MALDEF), and the Legal Aid Society, alleging employment discrimination by the City against Latinos in its City workforce.

Director Mickins noted that the HRC, primarily through Frank Anderson, its Representative specializing in work with the Civil Service Commission, and its staff, had long been involved in this issue. He noted also that the compliance agreement, announced June 7, 1979, names the HRC specifically as the agency which must receive copies of all reports filed by the Civil Service Commission as part of its compliance with the agreement. The agreement still must be approved by the Civil Service Commission, and its president, Darrell Salomon, has publically announced that he is not presently in favor of such action.

- From Edward R. Gerber, State Representative (for San Francisco) in Sacramento, a copy of a memo to the Commission on Aging and the Commission on the Status of Women, enclosing a copy of Senate Bill 705 (proposed by Senator Alan Sieroty).

Director Mickins read excerpts from the HRC's June 1, 1979 letter to Senator Sieroty informing him that the HRC endorsed a Board of Supervisors Resolution Supporting State Senate Bill 705 on May 24, 1979, but with its endorsement contingent on two inclusions:

1. That the bill be amended to include a nonpre-emption clause pertaining to local governmental functions; and

2. That language be included in SB 705 to assure that state funding does not serve in substitution of local governmental funding heretofore provided.

Director Mickins said he has spoken with Mr. Gerber on these concerns and the latter said he would suggest nonpre-emption clause language to Senator Sieroty. Jack Casford of the HRC staff also discussed the HRC concerns with Michael Siegel, Administrative Assistant to Senator Sieroty, who promised to discuss them with him. Mr. Siegel confirmed that the June 11 hearing of SB 705 before the Senate Finance Committee has been postponed to June 18. He also reported that the State's Commission on the Status of Women is objecting and withholding its endorsement because it feels it should be named specifically as covered in the proposed bill.

The City's State Legislation Committee will notify the HRC when its next meeting will be held.

DIRECTOR'S REPORT

HRC Staff Status

Approximately one-half of the HRC's staff working under the Comprehensive Employment & Training Act (CETA) authorization (i.e., five of ten persons; there are 13 permanent Civil Service staff for a total of 23 professional and clerical people), have been transferred to job slots funded from other departments. An effort is being made to find similar job slots for the other five CETA people.

- Two professionals and one clerical worker are funded under the San Francisco Wastewater Management Program. An application for funding for the 1979-80 fiscal year, at the level of $96,000 from this program has been re-submitted.

- One professional contract compliance officer, Linell Harden, is working under a grant from the Office of Community Development. The HRC has applied for a $58,000 grant to monitor programs that come under OCD, such as the Rehabilitation Assistance Program (RAP).

The HRC also has applied for an OCD grant of approximately $47,000 to fund staff to perform fair housing counseling, and do mediation and conciliation. The HRC's request will be heard June 19th by the OCD staff. If approved, it has to clear the Board of Supervisors as well. Director Mickins noted that the Mayor's Office in recent months has asked the HRC to take action in two areas of community tension: Gay relationships with some residents of the Mission District; and conflict growing out of charges of displacement of Blacks due to alleged speculative real estate acquisition by Gay investors in the Fillmore and Haight neighborhoods. Director Mickins and Don Hesse, HRC Housing Representative, have responded to a request from the Mayor's Office to address these conflicts, notwithstanding Proposition 13 staff reductions at the HRC in dealing with housing problems and community intergroup tensions. Mr. Mickins said it appeared that the HRC was being drawn more deeply into mediation and conciliation work (mandated under Chapter 12A of the Administrative Code since the HRC was founded in 1963). He noted that there no longer is the resource of the Police Community Relations Unit, which has been disbanded.

HRC Contract Compliance Work at the Airport

Director Mickins met recently with Richard R. Heath, Director of Airports, San Francisco International Airport, J. Peter Singer, Deputy Director of Airports for Business and Finance, and Dr. Zuretti L. Goosby, a member of the Airports Commission. For the past three years the HRC has implemented affirmative action monitoring services for the Airport expansion construction project (involving some $100 million annually). Currently, HRC staff is working on a monitoring program for tenant lessees in the South Central, and new North Terminal. The Airports Commission has budgeted $47,000 to be work-ordered to the HRC for this service. A member of the HRC monitoring staff will be based part-time at the Airport.

Status of CETA Workers

It has been reported nationally that the U. S. Department of Labor has modified regulations that would have cut back the CETA workforce for all persons who had completed 18 months in the program by October 1, 1979. The modification is still unclear as to its possible effect on the HRC's present CETA employees in HRC scheduled for lay off on October 1, 1979. The HRC still has five CETA staff people who may be terminated October 1st.

North Point Pier, Inc. Appeal Hearing

The letter from Steven H. Herman of Rudy, Rapoport and Holden, attorneys for North Point Pier, Inc. (see Communications section of these Minutes) was read in full. The appeal hearings for North Point Pier, Inc., on the Finding of Noncompliance by Director Mickins in 1978 set for May 8th and June 13th were cancelled. Mr. Mickins noted Mr. Herman's continued position that the HRC has no jurisdiction in the matter. He said that the HRC's jurisdiction is something that must be decided by the full HRC, not by the Director or by the City Attorney.

**** A new date, Thursday, August 9, 1979 at 9:15 A.M. was set for the appeal hearing for North Point Pier, Inc. The Lurie Room on the First Floor of the Main Library was set tentatively as the place for this meeting.

STANDING COMMITTEES
EMPLOYMENT
Vernon Alley, Chairperson
Caryl Mezey, Co-Chairperson (Appointed to replace former Commissioner del Portillo)

- Airport Tenants Lease Report - Lydia San Filippo, HRC Contract Compliance Specialist.

Ms. San Filippo presented the first status report on the HRC's work with tenants bidding for and obtaining leases for commercial space at the San Francisco International Airport.

- Category of Hire - job title

- Personnel Movement - includes:
  Training
  Transfer
  Promotion
  Demotion
  Termination

It is necessary for the program to be in place by June in order to generate a quarterly report by September and another by December, giving the HRC at least a 6 month overview for 1979.

Ms. San Filippo stated that there is still some resistance by some Airport tenants to complying to workforce reporting and other informational guidelines. This includes six or eight small airline companies, which to date have not submitted their information. Ms. San Filippo will be meeting individually with these companies to work out a means for obtaining this required information.

Minority Business Enterprise (MBE) participation is also an aspect of work with Airport tenants. Work getting employment opportunities is only part of the HRC's goal, Ms. San Filippo said, and it is hoped of course that there will be minority-owned business representation among the lessees of space at the Airport.

Chairperson Yamakawa asked if long-time lease-holders are accountable only for those portions of Chapter 12B that were in effect when they first obtained their lease, or if subsequent amendments are applicable to them.

Director Mickins noted that the HRC currently is appealing a ruling of the Superior Court that the HRC's affirmative action reporting jurisdiction does not apply to Fisherman's Wharf restaurants which negotiated leases for City-owned land sites prior to amendments defining leases as contracts in 1972.

It was

*****m/s/c/that the HRC adopt the Airport Tenants Lease Report.

- To an inquiry from Commissioner Fine, Director Mickins reported that no hearing date had yet been set for the HRC's appeal of the Superior Court ruling against its jurisdiction over Fisherman's Wharf resta;urants for affirmative action.

- Modifications to Part III of the HRC's Affirmative Action Program in Construction-Referral from HRC to Employment Committee.

A special meeting of the Committee was held June 13th to consider this issue, which, after much discussion at the HRC regular meeting of May 24th, was referred back to it. On May 24th, Chairperson Yamakawa ruled that when the Committee report and recommendations come before the HRC on June 28th, he will permit no public testimony, since that would be taken at the Employment Committee special meeting.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Summary of Gay Advisory Committee Activities - Lloyd Cowan, Gay Liaison Worker.

These are some of the areas of concern of the HRC staff and the Committee currently:

1. Housing

The Gay Advisory Committee is well aware of the growing tensions between different communities in the City exacerbated by high rents, speculation, displacement, and changing ownership patterns. Whenever possible, representatives of the Committee and staff are present at neighborhood meetings to give positive

input and urge a spirit of cooperation. Mr. Cowan is involved personally in the Hayes Valley neighborhood meetings, and he hopes to apply problem-solving means as suggestions to other groups.

2. The Minnesota Multi-phasic Personality Indicator Test - MMPI.

Concerns have been expressed over the use of this testing means by several large real estate firms and Pacific Gas & Electric Company hiring in the field of nuclear power development. Many of the questions asked (in the test) are held to be sexist and discriminatory with no connection to job qualifications. Mr. Cowan is working with a psychologist, Dr. William R. Horstman, who is familiar with the MMPI test, and will explain it to the Gay Advisory Committee, Mr. Cowan hopes to complete a study and investigation, so that the Committee may recommend contacting the companies using it for discussion of community concerns.

3. Mission High Proposed Assembly on Gay Lifestyles

The HRC voted May 10, 1979 to join with the Delinquency Prevention Commission and the Commission on the Status of Women as co-sponsors of an assembly at Mission High School dealing with the problem of violence against Gays by some students in and around Mission High School.

This assembly will not be held as planned. Various members of the community are meeting with Superintendent of Schools Robert Alioto and Administrative Assistant Barbara Cohen to develop during the summer an in-service training program for use by administrators at all levels before the Fall session of public schools begins, with availability for students after the Fall term begins. It is hoped that the program will encompass sensitization not only to Gay lifestyles but to the needs and importance of the elderly as well as other minorities.

The postponement of the Mission assembly was for various reasons:

a. Its concept did not take place until only a month before the Spring term was due to close, and a meaningful program could not be developed in a short period of time.

b. Its planners did not want to single out any one high school, for fear of increasing resentments and hostility.

4. Bill of Human Rights in Charter Proposal

The Gay Advisory Committee is interested that some kind of "bill of human rights" be included in the revision proposals for a new City Charter by the Charter Commission. This interest will be communicated to the appropriate Charter Commission committee.

5. Post-May 21 City Hall Riots Status

The Committee feels there has been a breakdown in communication between the Police Department and various representatives at City Hall. It is the hope of the Committee that all phases of positive and constructive communication between various community organizations and the Gay community be encouraged in order to avoid misunderstanding and frustration. The Committee feels it can have an active role in continuing the process of heightening community awareness and reducing tensions.

6. Public Awareness of Gay Advisory Committee

The Committee will discuss means of increasing wider public awareness of its existence and activities in more detail at its next regular meeting July 10, 1979. Bus signs, informational mailings, and the publicizing of the availability of staff and community liaison for tension-producing issues are some of the means already considered.

Mr. Cowan said that many of these Committee concerns are in the formative stage and that during its regular meetings it appreciates information and input on resolution of them.

YOUTH AND EDUCATION
Commissioner Bernadette Giles, Chairperson

- School District Budget Office Analysis of Financial Situation Post-Proposition 13 - Commissioner Giles.

Commissioners were provided copies of a one-sheet analysis by the Budget Office of the San Francisco Unified School District of the fiscal projections of the 1979-1980 fiscal year budget for the District and how it would be affected by various pieces of legislation introduced in Sacramento in the California Legislature. Lloyd Eichert, Coordinator of the Budget and Finance Committee of the District, was present at the May 17th Youth & Education meeting. Commissioner Giles reviewed the statistics and projections of Mr. Eichert. It states, "....it has been said that if the District received the same amount of State financial support in fiscal year 1980 that was received in fiscal year 1979, layoffs (of teachers) would not be necessary." The Budget Office holds that none of the originally four, now two, major pieces of legislation, would provide San Francisco students with an educational program equal to that which currently exists. Both present bills, it said, would leave the District with a total projected deficit of $19 million.

- State Funds for SFUSD

Of the approximately 1,058 public school teachers who have received notices of dismissal, some 658 paid out of the General Fund are most likely to be actually fired, Commissioner Giles said. The remaining, who come under either bilingual or special education funding from the state, probably will be retained. Out of this fact has arisen the concern that longer-tenured minority teachers who are not either special education or bilingual staff will see persons with less tenure retained while they are fired. Kindergarten teachers also have a hedge against being fired, as they are in the same category as the bilingual and special education teachers.

Gail Roberts of the HRC staff reported that the breakdown of the present SFUSD teaching staff is:

69.2% nonminority (White)
30.8% minority.

If all 1,058 teachers thus far notified are laid off, this balance would become:

73.3% nonminority
23.7% minority.

The female proportion currently is 63.1%; it would shrink, if all thus far notified are laid off, to 61.7%.

Commissioner Giles said she wished to pay tribute to the advocacy effectiveness of the Friends of Education. She urged that Commissioners and their community contacts make individual written pleas to San Francisco legislators in Sacramento to consider the unique problems of the City and County educational system.

Commissioner Fine stated that while the HRC's basic concern is with the effect on employment opportunities and security, particularly those won after a great struggle by minority people, its larger concern is, as he called it, "the drastic drop in the quality of education for all children in San Francisco."

Commissioner Mezey pointed out that much of the public knowledge is incomplete, and that many people are not aware that the School District presently is operating with one-half the number of administrators it had before

Proposition 13 passed.

It was stated that Mr. Eichert has reported that: in the past five years there has been a school student population decline overall in the District of 5%; a decline in classified personnel of 14%; a decline of 21% in teaching personnel; and a decline of 37% in administrative personnel.

Commissioner Giles again urged that the HRC concentrate on getting such information to the general public and especially to the legislators.

**** Commissioner Fine asked that each Commissioner be provided as soon as possible with a one-page memorandum summing up such statistics and other factors

It was

**** m/s/c that this be done.

- Special Education Programs

This agenda items was continued over from the May 24, 1979 meeting of the HRC.

There was a second meeting on Special Education Programs initiated by Janet Pomeroy, Director of the Recreation Center for the Handicapped. Ms. Pomeroy reported that the Center provides many educational services to its clients that the School District cannot/does not, and she has sought to be reimbursed for them. It was recommended that a task force be set up to see if some local funding could not go to the Center for these special education services. The task force reported that money could be given for this purpose provided that Individual Educational Programs (IEP) stated specifically that the child were receiving a service it could receive nowhere else. Thus parents of handicapped children should be encouraged by Mrs. Pomeroy to include in IEPs the resources in the Center for the Handicapped.

NEW MATTERS

- Retention of Special Task Force in Chinatown Police Station - Commissioner Lee.

Commissioner Lee said that many business interests in the Chinese community feel that the presence of a special Police Department task force stationed in the Central Police Station (in Chinatown) has had a major impact on the reduction of violence stemming from youth gangs. There have been no shootings, he said, for about a year.

There is a rumor currently in Chinatown, he said, that Chief of Police Gain intends to withdraw this special task force from assignment at the Central Police Station (in Chinatown).

- Commissioner Lee moved that the HRC authorize its Director to write to Chief of Police Charles Gain urging that he retain this special task force on assignment to Central Police Station.

There was considerable discussion following this motion, which was seconded by Commissioner Alley.

Commissioner Morrissey stated that it was difficult, without investigation, to act with advice to the Police Department without knowing what reasons it has for taking any personnel assignment changes.

Commissioner Fine urged that HRC staff and its Police Liaison/Social Issues Committee be asked to determine if such a move is contemplated by Chief Gain, and then to recommend what action the HRC should take as a body based on this information.

The HRC's procedural rules calling for New Matters to be first studied by a Standing Committee before its recommendation to the full HRC for action were reviewed.

**** A motion to consider Commissioner Lee's motion without prior study by a Standing Committee failed.

It was then

**** m/s/c/ that the Police Liaison/Social Issues Committee be charged with determining if Chief of Police Gain plans removal of the special task force assigned to Central Police Station, and,if so, to investigate this proposed action and make recommendations for HRC action. The Committee also was requested to inquire if the Chief of Police has plans to re-constitute the Police Community Relations unit or function.

- Correspondence

Commissioner Grafilo requested that he be provided in advance of regular HRC meetings the listing of correspondence received at the office as current as is practicable.

REMARKS FROM THE AUDIENCE

- Mrs. E. Finley Carter, mother of Commissioner Caryl Mezey and a guest of the HRC, commended it on its work and expressed her pride in Commissioner Mezey's and others' contributions to that work.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, June 28, 1979, at 9:15 A.M. in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Wednesday, July 11, 1979 - 9:30 A.M. Jewish Vocational Service-Flood Building 870 Market Street, Suite 675 - S.F. Ca
Gay Advisory	Tuesday, July,10, 1979 - Noon HRC Offices, 1095 Market Street - #509
Housing & Urban Development	To Be Announced
Ordinance Revision	To Be Announced
Police Liaison/Social Issues	To Be Announced.
Youth & Education	Thursday, June 21, 1979 - 3:30 P.M. Yerba Buena Senior Center 1111 Buchanan Street Entrance on Golden Gate Avenue

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:pa
6/20/79

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of June 28, 1979

NEXT MEETING: Thursday
July 12, 1979
9:15 A.M.
Commission Room-Third Floor
Main Library, Civic Center

JUL 20 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Antonio Grafilo, Willie B. Kennedy, Pius Lee, Phyllis Lyon, Caryl Mezey, John Morrissey, Joan Moulton, Donna Solomon.

Excused: Rabbi Alvin Fine, Sister Bernadette Giles, Dan Silva, Nadim Zarour.

Staff Grant Mickins, Frank Anderson, Jack Casford, Linell Harden, Don Hesse, Stanley Lim, Joe Meza, Emmett Rosebrough, Lydia San Filippo.

Pledge of Allegiance

Minutes of the Meeting of June 14, 1979, approved with the following correction:
Page 5, second Paragraph, beginning "Ms. San Filippo...." The second sentence reading "This includes six or eight small airline companies,"
Should read: "This includes six or eight major airline companies yielding revenue to the City of $50,000 or more annually."

COMMUNICATIONS

- From Robert Won, Coordinator, CETA Public Service Employment Programs, a copy of a Memorandum to all departmental personnel officers commenting on a June 9, 1979 article in the San Francisco Chronicle based on a Department of Labor bulletin issued June 6 which outlined a nationwide "waiver procedure" (as applied to terminations of CETA employees who have completed 18 months in the program as of September 30, 1979). Mr. Won said the bulletin refers to geographical areas with high unemployment (which San Francisco does not have at present).

Mr. Won wrote that San Francisco's need for these waiver procedures being granted by the Department of Labor is "very remote".

Director Mickins noted that approximately 1,500 to 2,000 San Francisco City employees working under the CETA (Comprehensive Employment and Training Act) program stand to lose their jobs under the 18-months-maximum-service lay-off requirements. At one time, two-thirds of the HRC's staff was made up of CETA workers. Now, less than one-third of the staff is in this category. See Director's Report section of these Minutes.

- From Rudy Nothenberg, Deputy Mayor for Program and Fiscal Administration, a copy of a Memorandum addressed to "Persons and Organizations interested in Housing Problems in San Francisco," on the subject of suggestions for member-

ship on the newly-created *Residential Rent Stabilization and Arbitration Board*, and Citizens Housing Task Force. This Memorandum was read in full.

- From Mr. Nothenberg, a Memorandum setting forth criteria for the content of departmental annual reports to the Mayor.

- From Lee Riordan, City Manager, City of San Leandro, California, requesting clarification of the HRC's participation in an action of the Regional Fair Housing Coalition on June 7, when it adopted a resolution supporting the San Leandro Fair Housing in its funding dispute with the City of San Leandro.

- To Mr. Riordan, from Director Mickins, stating that the vote of Donald Hesse, the HRC's Housing Representative, who is a member of the Regional Fair Housing Coalition, in support of this resolution "represented nothing more than his own informed opinion," and that the HRC had not officially taken a position on the issue of San Leandro's fair housing funding.

- From Frederick E. Jordan, P.E., Jordan/Avent & Associates, an engineering firm, a copy of his letter of June 18 to Donald Poindexter, Committee on Minority Programs (COMP), American Society of Civil Engineers, formally objecting to the planned appearance in response to a COMP invitation of Vicky Rathbone, of the HRC Affirmative Action staff on a panel discussion at the forthcoming national convention in Atlanta of the ASCE.

- From Louis Warner, P.E., President, National Association of Black Consulting Engineers, requesting an HRC "impact report" of its recent Minority Business Enterprise policy "restricting the 'large' minority firms to 12 1/2% of your 25% MBE requirement." Mr. Warner wrote also that the NABCE would oppose Ms. Rathbone's participation at the ASCE convention in Atlanta "until the impacts are known." This letter was read in full.

Mr. Mickins stated that the invitation from the convention planners to Ms. Rathbone still was in force and that they looked forward to her participation. Commissioner Nezey and Director Mickins expressed concern about an apparent move to suppress the point of view and experience of Ms. Rathbone in this area.

- From George L. Newkirk, Director, MBE/Contract Compliance Office, Public Utilities Commission, requesting an HRC audit of a construction firm to establish if it is a bona fide minority firm.

- From A.O. Friedland, Deputy Director, San Francisco Wastewater Program, requesting HRC review of the Wastewater Program proposal "in attempting to reach the Step III Minority Business Enterprise (MBE) goals set by the State".

- From Glen W. Sparrow, Executive Director, San Francisco CharterCommission, announcing that the HRC is scheduled to testify before the Commission on Thursday, June 28 (the date of this regular HRC meeting) at 9 P.M., and attaching a list of questions typical of issues on which the Commission is seeking information. Director Mickins and Chairperson Yamakawa announced they would appear at this hearing.

Vice-Chairperson Solomon reminded members of the Standing Committees that they had been requested to submit their recommended positions to be transmitted to the Charter Commission.

- From Mary Vail, Chair, San Francisco Commission on the Status of Women, a copy of a letter to State Senator Alan Sieroty, stating the Commission's opposition to Senate Bill 705, which he introduced, and which would authorize matching state funds to local HRC's on a per capita basis. The CSW endorsed SB 705 on May 24, 1979, with two reservations (a pre-emption protection clause and local funding continuation provision). SB 705 was defeated on a 6 to 5 vote by the Senate Finance Committee on June 22.

- From Alice A. Lytle, Agency Secretary, State and Consumer Services Agency, advising that the Governor's Reorganization Plan No. 1 of 1979, which would transfer the Fair Employment Practices division from the Department of Industrial Relations to the State and Consumer Services Agency, has been approved by the Little Hoover Commission and sent to the Legislature and is now being considered in the Assembly and Senate Governmental Organization Committees.

- From Commissioner Donna P. Solomon, a May 29, 1979 letter (read in full by Chairperson Yamakawa) confirming her election as Vice-Chairperson of the HRC, her resignation as Co-chairperson of the Youth & Education Committee, and commending Essie Thomas and Gail Roberts of the staff of the latter committee with whom she has worked the past two years.

- From Mrs. Willie Lewis, President, Minority Contractors Association of Northern California, Construction Contractor's Assistance Center, expressing concern about HRC staff recommendations regarding the HRC's MBE program. This letter was read in full. See Employment Committee section of these Minutes.

- From Ike Dow, President, Dow Associates, Management Consultants, thanking the HRC for its assistance "in our continuing efforts to obtain consulting work from the City and County of San Francisco."

DIRECTOR'S REPORT

- CETA Staff Status.

The HRC has been able to find alternative funding for approximately half of the CETA staff to date. Recently, the HRC has been processing through the Mayor's Office a supplemental budget for 1979-1980. This includes" $87,900 for Wastewater Program affirmative action work by the HRC. This has passed two readings of the Finance Committee of the Board of Supervisors and will be before the full Board (after passage on the first reading for a second and final reading and action on July 2. Director Mickins thanked Commissioner Mezey and Chairperson Yamakawa for their help in this early activity. The HRC has been advised that the Wastewater Program is placing it under its indirect administrative costs category in 1980-81, so it will not benecessary to submit supplemental requests in the future. Budget of $59,000 and $48,000 have been submitted for the former affirmative action work monitoring Office of Community Development employment pattern and grants for MBE requirements, and the latter for mediation in housing discrimination problems.

The HRC continues to try to find other sources of funding in order to retain these CETA staff people, many of whom have worked as many as five years at very modest salaries and to the great advantage of the City.

STANDING COMMITTEES

Employment
Vernon Alley - Chairperson
Caryl Mezey - Co-Chairperson

- Recommended Modification of the HRC Affirmative Action Program - For Construction Contracts, Part III, "Establishing Goals for Equal Opportunity in Entrepreneurship,"Relative to Small, Socially and Economically Disadvantaged Minority Contractors - Stanley Lim, HRC Contract Compliance Officer.

Commissioner Alley introduced Mr. Lim, who made a long and detailed presentation, following a written report submitted in advance of this meeting to all Commissioners for their study. The report was adopted at the Employment Committee's meeting of June 13, 1979. Mr. Lim said he had received, on June 27, a letter from Benson I. Hattem, Affirmative Action Officer, San Francisco

Redevelopment Agency, offering what he called "a variation on my original proposal for incremental graduation from MBE protection." Mr. Lim traced the development of these recommendations from the May 3 Employment Committee meeting through a May 16 special public hearing for community and industry input, referral by the HRC on May 24 back to the Employment Committee for further study, another special meeting June 7 with representatives from various minority contractor groups, the Associated General Contractors, the San Francisco Electrical Contractors Association, and City awarding agencies (at which the concept of size standards was reaffirmed), and, finally, the June 13 Employment Committee meeting. Mr. Lim emphasized that pro and con opinions on the staff recommendations had been solicited and received during all these deliberations. At the June 13 meeting, staff recommended some adjustments in the original proposals, such as increased gross annual receipts amounts for specialty contractors and transportation and trucking categories.

Mr. Lim said that during the public meetings there was strong support from minority communities for the proposals to include small, socially-and-economically-disadvantaged MBE's, but that on the subject of how to establish the size limitation (gross annual receipt total maximums to qualify as small, socially and economically-disadvantaged) there were differing opinions. He summarized these arguments as follows:

A. Arguments for the inclusion of small businesses as a concept:

1. The purpose of affirmative action is to assist the disadvantaged minority entrepreneurs, not the well-established large minority firms which are already competitive on their own.

2. By setting size standards, locally-based minority contractors tend to have a better chance to compete, as most of them are economically disadvantaged and have not received a fair share of the publicly-financed contracts.

B Arguments against the inclusion of small businesses:

1. Any size limitation would tend to inhibit the growth of minority business, making them forever "small".

2. One firm reported that it does 90% of its business with the government; without affirmative action requirements it will not survive. The result will be exclusion of certain minority firms from bidding.

C. Arguments on the application of size standards:

1. There was no unanimous agreement on the staff's original proposal until it was modified to reflect the foregoing changes. Some preferred the U.S. Small Business Administration's guidelines as they seem to be less "restrictive". Others wanted "flexible" guidelines but without offering any specific figures. The consensus was that all City agencies (the HRC and the SFRA, for example) should have similar guidelines in order to avoid confusion.

The HRC staff analyzed these arguments as follows:

1. Statistically, the economically-disadvantaged minority firms cannot compete effectively with larger minority firms. The HRC progress reports on MBE show that certain fields have been dominated by some well-financed minority contractors for some years. By setting size standards, it is likely that opportunities will be opened to more MBEs.

2. It's generally a misunderstanding that size limitation would mean an exclusion of the larger and more prosperous minority firms. All minority contractors, regardless of size, have the right to file a complaint under Chapter 12B of the San Francisco Administrative Code if discrimination or exclusion can be found.

3. The proposed size standards will be reviewed periodically to assess their effectiveness. If they prove to be inoperative perhaps some other methods will be employed.

Mr. Lim reported on the request from the HRC at an earlier meeting that he estimate the impact of the modification proposals on minority-owned forms. He then discussed details of his summaries, based on three basic documents: the HRC Report on MBE Participation in City Construction Contracts of January 24, 1979, and the Moscone Convention Center and HRC Joint Staff Report on MBE Participation at the MCC Project Phase II, of April 27, 1979; the California Minority Business Enterprises Directory, published by Source Publications, Inc., in the Spring of 1979; and The Asian American Business in the Bay Area Directory, published in 1978 by Asian, Inc.

In the six categories (General Contractor, Specialty Contractor, Transportation/Trucking, Professional Services (Surveying), Janitorial/Custodial, and Supplier/Manufacturer), Mr. Lim tallied the minority business enterprises listed in the respective source materials, and then, applying the gross annual receipts size limitations proposed for each, cited the numbers of enterprises that could possibly be affected by these limitations insofar as their qualifying as small, socially and economically-disadvantaged entrepreneurs. For example: Of the 198 specialty contractors listed in the California Minority Business Enterprises Director, only 2 would possibly be affected, he found. Of the 12 general contractors listed in the Asian American Directory, none would be; of the 6 general contractors in the Moscone Center report, only 1.

Prior to the Employment Committee's adoption of the staff recommendation, annual receipts maximums guidelines used by other agencies were discussed. They (the agencies) included the federal Small Business Administration, the state Small Business Administration, and the San Francisco Redevelopment Agency. The federal figures generally were substantially higher; the state SBA virtually the same; and the SFRA moderately higher than the HRC staff figures.

At this point, Commissioner Lee expressed his concern that the proposed definition of a Minority Business Enterprise read: A qualifying Minority Business Enterprise (MBE) is a business, whether it is a company or a corporation, of which at least 51 percent of the interest is owned or controlled by one or more socially and economically-disadvantaged minority group members who are citizens of the United States. He objected to the limitation only to persons who are citizens, saying that legal, permanent residents should be included. He said many persons in the former category have applied for citizenship and will, in a few years, have that status.

Mr. Lim responded by explaining that the State Water Resources Control Board, through which federal funding for the City's Wastewater Program is funneled, must conform to federal guidelines which restrict MBE qualifiers to U.S. citizens only. Since the HRC's Affirmative Action Program must be submitted to the Water Resources Control Board, then that program must conform to the citizenship requirements as well. He said an estimated 70% of all contracts being let by the City include federal subsidies.

Commissioner Mezey noted that the HRC had been received to adopt the language of citizenship qualification when it learned that state and federal guidelines called for it, but she echoed Commissioner Lee's concerns and asked if the HRC could not find a way to include legal, permanent residents where possible, such as in nonfederally-funded contracts.

Commissioner Morrissey noted that the HRC has sexual orientation as a category that the federal government does not, and wondered why the HRC had to follow the citizenship qualification.

Mr. Lim noted that the State Division of Water Quality, the immediate grantor of Wastewater Program projects, has informed the HRC that any modifications to the current HRC program will have to be resubmitted for approval. The DWQ's position on MBE gross annual receipts standards is not known at this time.

The conclusion of his formal presentation noted that under the proposed modifications setting gross annual receipts limitations for qualifying MBEs, only ten firms out of almost 500 listed in the sources cited earlier would possibly be affected, e.g., no longer qualified as disadvantaged MBEs.

Chairperson Yamakawa then offered two amendments:

1. That the first sentence of the first paragraph of Part III, Article 2. be extended and that it be followed by a new sentence as follows:
   A qualifying Minority Business Enterprise (MBE) is a business, whether it is a company or a corporation, of which at least 51 percent of the interest is owned and controlled by one or more socially and economically-disadvantaged minority group members who are citizens of the United States, where citizenship is required by federal or state requirements. Otherwise the 51 percent may be owned or controlled by citizens or legal permanent residents of the United States who are socially or economically-disadvantaged minority group members.

2. That a final paragraph be added after the a. through f. listing of business categories:
   Exemptions from the above gross annual receipts limits may be made only if all of the following conditions exist:

   a. The contract amount is $15 million or more.
   b. No qualifying MBE in this geographical area is expected or available to bid.
   c. Without the nonqualifying MBEs participation, the HRC MBE goal cannot be reasonably met.
   d. The nonqualifying MBE has appealed formally to the HRC for exemption.

At this point Vice-Chairperson Solomon assumed the gavel.

Returning to the discussion on Commissioner Lee's point about citizenship requirements, Commission Moulton expressed her concern that perhaps firms based in other countries or owned by noncitizens might be obtaining contracts intended to go to minority-owned firms in this country and this community.

Commissioner Mezey asked if it is possible to monitor to assure whether legal permanent residents can use that status as a "mask" for a foreign-owned company. Commissioner Lee said he referred only to firms owned by legal permanent residents in this country. Mr. Lim said the sole reason for instituting the citizenship requirement was to preclude foreign-based firms owned by minorities coming in to bid on local contracts.

Commissioner Moulton then asked if there is any provision for monitoring contracts in order to ensure that bidding companies are not foreign-owned or controlled.

Chairperson Yamakawa stated that the HRC does more than any other compliance agency that he knows of to verify MBE status. Whether money (in the form of contracts) does remain in this community (which Commissioner Moulton

was also concerned about) he said the HRC has no local residency requirement for contractors, although it is, of course, its hope that local companies will benefit from these contracts.

It was then

*****m/s/c/to adopt the first amendment to Part III, Article 2, noted above as amendment 1.

In discussion on proposed amendment 2., Mr. Lim said that the HRC staff would have no objections to it, but that he was concerned that the Employment Committee would have no input on the amendment.

Mr. Benson I Hattem, Affirmative Action Officer for the San Francisco Redevelopment Agency, was asked by Commissioner Mezey to explain the SFRA position. He said that he felt there was a danger of adopting a program that would have elements of exclusion, whereas the whole purpose of the MBE program was to include minority businesses. He said he felt that if the modifications were adopted certain contractors, such as the structural engineer on the Moscone Convention Center, would be excluded because his gross annual receipts size is over that proposed by the HRC Employment Committee, i.e., over $750,000. (Note: Mr. Lim notes that this structural engineer would be included under the HRC Design Program, which, unlike these proposals for construction firms, do not have gross annual receipts limits, for the 12 1/2% goal). Mr. Hattem urged that there be encouragement for growth for minority firms. He proposed that a step-by-step incremental upward mobility be provided for minority firms, so that they are protected, based on gross annual receipts, for certain-sized jobs, but that as they grow, they will have to compete with other minority firms of the same scale.

Director Mickins noted that he felt that the Employment Committee should consider further study of Mr. Hattem's proposal, called a "multiplier" concept.

Director Mickins said he was uneasy about any program so rigid and inflexible that the HRC finds itself as a regulatory body in some cases impeding other agencies with which it works. The HRC has to consider meeting affirmative action requirements for minority representation, and at the same time work productively with other agencies and departments. He said that he felt the Yamakawa amendment would be helpful to this work.

It was then

*****m/s/c that the HRC adopt amendment 2. (Yamakawa) to Part III, Article 2, as quoted above.

At this point the letter from Mrs. Willie Lewis, President, Minority Contractors Association of Northern California, Construction Contractor's Assistance Center (see Communications) was read in full by Director Mickins. In it, she had expressed great concern about the staff recommendations regarding modifications to the MBE program. Mr. Mickins said he had talked with Mrs. Lewis about the two Employment Committee meetings, the two special community input meetings, and the two HRC regular meeting discussions on these recommendations. She told him the MCA is still researching the issue.

Commissioner Morrissey then made a long statement, carried here verbatim"

"I have said before and I will say again, particularly for the benefit of the new Commissioners, that I don't see that the HRC has been given any direction by the Board of Supervisors (from whom our authority comes) to engage in encouragement, or discouragement, or anything to do with small as compared large business. Indeed, I don't think that the City of San Francisco has officially adopted any position. It's true the federal government has and I guess the state government, too. And they're well-equipped to pursue those policies. We don't have the expertise. I think you can tell from this discussion, that has occurred during this proceeding and previous hearings of the

HRC that we're just babes in the woods in this area on the economics of the relationship of small to large business. We do have a very definite mandate with reference to discrimination against minorities and in that regard we have, as have other agencies, encouraged affirmative action programs, principally with reference to employment. Now it's been extended to affirmative action programs for entrepreneurs, people who don't normally work as salaried people or wage-earners, but to business people who have independent contractors, as they are called in the law, and to that end to add this minority business enterprise program, as part of affirmative action. And I think we should have it. But I don't think we should be mixed up with the question of whether or not it's desirable to help small business as such. I agree with Mr. Hattem, that we should rejoice if they're large enterprises that happen to have minorities in their control.

"I don't see around me at least that any one of the minority races that we are concerned with here that they have overcome completely the past discrimination that they labor under the effects of. Indeed, I would say personally that discrimination still exists for reason of race, and I don't think we should be concerned about the size. And for that reason, I would vote against this proposal, as, indeed, I voted before against it, and I urge others to do likewise"..."I don't think we should be involved with this subject...of size."

Commissioner Mezey said that the amendments speak to large contracts where there is no qualifying bidder and do preserve the fact that the small contracts will not be taken away from small businesses by the large contractor.

It was then

*****m/s/c to adopt the Employment Recommendations for Modification of the HRC Affirmative Action Program - For Construction Contracts, Part III, Establishing Goals for Equal Opportunity in Entrepreneurship), Article 2, Relative to Small Socially and Economically-Disadvantaged Minority Contractors.

The Chairperson commended the work of the Employment Committee on this issue and was joined by its Chairperson, Commissioner Alley.

POLICE LIAISON / Social Issues
Commissioner John Morrissey, Chairperson

- Followup on Commissioner Lee's Report of Concerns Over Possible Elimination of a Police Department Gang Task Force.

Jack Casford of the HRC Staff contacted Mike Seybold, formerly a member of the HRC's Police Liaison Committee, and a member of the SFPD Legal Department staff. Mr. Seybold spoke with Sergeant Tyrrell, a member of the Police Intelligance Unit staff. This unit, based at the Hall of Justice, contains Chinese-speaking officers.

Sgt. Tyrrell said he knows of no plan to either disband or reduce in size the Gang Task Force. It continues to work in its special field, and has been effective in keeping youth gang activity to a minimum in the Chinatown area. Chinese-speaking officers are assigned to the Central Station, located in Chinatown.

It was

*****m/s/c that the HRC authorize that this letter be sent. Commissioner Moulton voted no.

NEW MATTERS

- Director Mickins announced the U.S. Supreme Court Decision in the Brian Weber Reverse Discrimination Case vs. Kaiser Aluminum & Chemical Co.

This decision, announced June 27, 1979, holds that employees with no proven history of racial bias may voluntarily offer special preferences to minority workers. Weber sued when, in 1974, he was excluded from an on-the-job

program designed to help Blacks.

Director Mickins said that civil and human rights agencies throughout the nation had been greatly concerned about the outcome of this case having an adverse effect on voluntary and mandatory (in some cases) affirmative action programs.

- Appointments by the Chairperson to Standing Committee Positions

Chairperson Yamakawa made the following appointments:

1. Commissioner Lee as Chairperson of the Housing and Urban Development Committee.
2. Commissioner Kennedy, Co-Chairperson of the Youth & Education Committee.
3. Commissioner Moulton as Co-Chairperson of the Police Liaison/Social Social Issues Committee.

- Commissioner Lee raised the question of Ethnic Chinese Vietnamese "Boat People" Exclusion from Malasia.

The Commissioner cited the newspaper accounts of the exclusion by the country of Malasia of the refugee Vietnamese (the "boat people") and asked that the HRC write the President of the United States and the head of the government of Malasia urging that these refugees not be refused entry and not be forced back to sea.

*****This item was referred to the Police Liaison/Social Issues Committee. Commissioner Mezey noted that the HRC has an endorsement policy, adopted May 12, 1977, that sets up criteria for taking positions. They include:

1. That the requested endorsement is within the scope of the HRC Ordinance.
2. That the issue is of local significance.
3. That the proposed HRC endorsements of resolutions will have relevant impact upon the intended agency or parties.
4. That they first be considered in an HRC standing committee.

CALENDAR MATTERS

- The next regular meeting of the HRC, the only one in July, will be Thursday, July 12, 1979, at 9:15 A.M. in the Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Wednesday, July 11, 1979 - 9:30 A.M. Jewish Vocational Service-Floor Building 870 Market Street, Suite 675
Gay Advisory	Tuesday, July 10, 1979 @ Noon-HRC Office #509
Housing & Urban Development	To be announced
Ordinance Revision	To be announced
Police Liaison/Social Issues	To be announced
Youth & Education	To be announced

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

SEP 14 1979

DOCUMENTS DEPT.
PUBLIC L

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of August 16, 1979

NEXT MEETING: Thursday
Sept. 13, 1979
Commission Room, Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: Yamakawa (presiding), Vernon Alley, Rabbi Alvin I. Fine, Mrs. Willie Kennedy, Phyllis Lyon, Pius Lee, Caryl Mezey, John Morrissey, Joan Moulton, Daniel Silva, Donna Solomon.

Excused: Sister Bernadette Giles, Antonio Grafilo, Nadim Zarour.

- Commissioner Lia Belli, who suceeds Commissioner Sylvester Herring, who resigned August 12, 1979, attended this meeting following her swearing-in ceremony in the office of Mayor Dianne Feinstein on this date.

Commissioner Belli was welcomed officially by Chairperson Yamakawa, and in her response said, "If there's anything that I feel is necessary, (it is) not only to have representation from people whose own individual lives are being affected by discrimination, but it is equally important that those people who have nothing to gain or to lose but are simply witnessing an injustice stand up and be counted, not only for the principle but also for the symbolism that we all must fight wherever we witness something."

Staff: Grant Mickins, Frank Anderson, Lloyd Cowan, Jack Casford, Luis Escobar, Don Hesse, Joe Meza, Gail Roberts, Lydia San Filippo, Mary Gin Starkweather.

Pledge of Allegiance

The Minutes of June 28, 1979, (the July 12, 1979 regular meeting was cancelled) were approved with one change: On Page 5, in the first line of the last paragraph, the verb "received" should be changed to "required". The sentence would begin, "Commissioner Mezey noted that the HRC had been required to adopt the language of citizenship qualification when it learned state and federal guidelines called for it,....."

COMMUNICATIONS

- From Alice A. Lytle, Agency Secretary, State and Consumer Services Agency, a copy of a letter to Nathaniel Colley, Executive Director, Western Regional Council, National Association for the Advancement of Colored People, regarding two bills in the State Legislature, AB3 (which would include sexual orientation discrimination as an unlawful employment practice) and AB 188(which would add refusal to perform sexual favors to the list of unlawful discrimination practices under the California Fair Employment Practices Act).

- From Mayor Dianne Feinstein, a copy of a memorandum regarding Federal Funds for Local Programs sent to all City department heads, asking for a

"description of those programs in your area that face serious difficulty," and those deemed crucial to the effective operation of individual departments..

- From Chief of Police Charles R. Gain, a response to the HRC's letter of July 6, 1979, inquiring, at the request of Commissioner Pius Lee, if there was contemplated a dissolution of the (Youth) Gang Task Force at the Police Department. Chief Gain said there is not.

- From George Agnost, City Attorney, a copy of a memorandum on Public Meeting Laws: A Review of the Brown Act and Charter Section 3.500, sent to all Boards and Commissions. Commissioner Mezey asked that all members of the HRC be sent a copy of this detailed memorandum dealing with applicability of open public meeting requirements.

- From George Hunt, Director, Ambulatory Services, Pacific Medical Center, requesting a meeting regarding procedures for HRC review of the Center's contracts for affirmative action.

- From Gilbert H. Boreman, Clerk of the Board of Supervisors, a copy of a notice to all City departments, enclosing a copy of an analysis by the City Controller and Board Budget Analyst of revenues to finance the 1979-80 City budget and related projected general fund shortages for 1980-81. Mr. Boreman said the Board's Finance Committee has continued the matter of the City's projected financial positions for fiscal 1980-81 "...in order to receive and consider proposed ways in which expenditure budgets may be reduced and/or revenues increased". This notice was read in full to the HRC.

- From Frederick E. Jordan, President, Jordan/Avent & Associates, a copy of an evaluation by the Minority Affairs Committee of the American Consulting Engineers Council of federal agency minority business enterprise (MBE) policies.

- From Jimmie T. Braden, a copy of a letter to James T. Ferguson, President, San Francisco Fire Fighter Local 798, I.A.F.F., regarding his request for Local 798's help in his protest of an H-20 examination for lieutenant given in October, 1978.

- From Andrew C. Casper, Chief of the San Francisco Fire Department, to Joseph Meza, regarding an individual complaint by a member of the department, and asking Mr. Meza's assistance in seeking resolution.

- From John Kreidler, Program Executive, The San Francisco Foundation, informing Director Mickins that the HRC's application for a funding grant to carry out a study of affirmative action plan implementation in the private business sector in the City (made in late 1978) will be considered by the Distribution Committee Sept. 17, 1979, but would most likely not be approved.

- From Gilbert H. Boreman, Clerk of the Board, a copy of a letter requested by Supervisor Harry Britt, and sent to the Mayor and other City officials, including the Director of Planning, the Director of Property, and the Chief Administrative Officer, concerning the status of the City's actions under the Rehabilitation Act of 1973 (Section 504, relative to nondiscrimination protections for the handicapped) and requesting information on the self-evaluation study and transition plan required by the U.S. Department of Health, Education and Welfare.

- From Mr. Boreman, a copy of a memorandum to all City department heads, reminding that City and County officers are required to submit requests for permission to leave the State to the Mayor. The HRC has made these formal written requests since its inception.

- From Marilyn Howard, a copy of a letter to the Public Inquiry Unit, Office of the (State) Attorney General, concerning her discrimination complaint and legal actions against a private, nonprofit, housing agency in a county outside San Francisco.
- From Jan Feagan, Ph.D., Executive Director, Fair Housing and Employment Appeals Board, Metropolitan Dade County, Florida, seeking HRC assistance and input regarding a new program on fair housing being implemented in Dade County
- From Rhonda M. Abrams, Regional Director, Anti-Defamation League of B'nai B'rith enclosing a copy of a statement of the Anti-Defamation League in regard to the (recent) Compliance Agreement (of the City of San Francisco) with the

(federal) Office of Revenue Sharing. Ms. Abrams offered the assistance of the League "if the HRC is designated as the agency to monitor enforcement of the Settlement Agreement." See Director's Report in these Minutes.

- From John J. Walsh, General Manager, Personnel, Civil Service Commission, a copy of a memorandum sent to all City departments regarding personal services contracts.

- From Ronald Smith, a copy of a letter sent to Mr. Walsh regarding an appeal by Mr. Smith of not being the selected candidate for the position of Ombudsman. Mr. Smith, Director Mickins said, has not filed a formal complaint with the HRC. Commissioner Silva asked to be kept informed if a formal complaint is filed with the HRC.

- Appeal of Director's Finding of Noncompliance against North Point Pier, Inc.

Steven H. Herman of Rudy, Rapaport & Holden, attorneys for North Point Pier, Inc. (the Warren Simmons development/management company for Pier 39, the Embarcadero tourist complex of restaurants and shops) appeared before the HRC to discuss a number of procedural items. The first formal hearing on this appeal was held by the HRC August 9, 1979. His appearance and the subsequent discussion were not on the agenda of the HRC's regular meeting and took place with the consent of the HRC before that regular meeting began.

1. The next hearing on the appeal was set for Thursday, September 20, 1979, at 9:15 A.M. The location of this hearing will be announced later.

2. It was agreed that the requests by both appellants and the HRC for documents to be produced will be honored by September 6, 1979.

3. Mr. Herman said that Warren Simmons, Arthur Hoppe, Gilbert K. Freeman, and Sidney Rudy, all officers of North Point Pier, Inc., whose presence to give testimony at the next hearing in the appeal was requested by the HRC on August 9, 1979, will be present at the September 20, 1979 hearing.

4. Mr. Herman requested that Wayne Redus, formerly Coordinator of Employment for the HRC, who testified at the August 9, 1979, be recalled for the September 20, 1979 hearing.

- Meeting Regarding Black/Jewish Community Tensions.

(See the Communications section of these Minutes, the letter from B'nai B'rith.) Mr. Mickins, and Joseph Meza met August 1, 1979, with Ms. Abrams, Earl Raab, Executive Director of the Jewish Community Relations Council, and Rita Semel, Director of the Conference on Race, Religion and Social Concerns, as a follow-up to a request from Mayor Feinstein to the HRC asking that it confer to set up a program to address the reported group communications problems between various ethnic and religious minorities including the Black and Jewish communities. Mr. Mickins said that formation of such a program was still being planned. Commissioner Mezey reported that the community had requested a funding grant from the Office of Community Development to set up a body that would mediate in this type of dispute.

- Status of Funding Grants to the HRC (Office of Community Development, Wastewater Project, Public Utilities Commission, San Francisco International Airport).

1. The HRC has received an $18,000 grant (announced previously at an HRC meeting) from the Office of Community Development to monitor the grants that OCD lets to contractors in amounts between $10,000 and $250,000. An HRC staff member, Linell Harden, is working in this area.

The HRC has been recommended preliminarily in the 1980-81 OCD grant program for $25,000 to set up a fair housing panel/staff to investigate and mediate housing discrimination cases.

- At this point Director Mickins read in full a letter of July 26, 1979 from Mayor Feinstein to the HRC asking that it "...extend your staff capabilities to provide appropriate services and referrals for cases of housing discrimination." The Mayor said she has asked OCD to set aside funds from the 1980 program and assist the HRC in developing a program to enforce fair housing opportunities.

The Mayor's July 26 letter also said that with these funds and technical assistance she would like the HRC generally to:

1. provide intake on suspected cases of illegal discrimination

2. schedule investigation of complaints

3. arrange for mediation or litigation services where indicated.

Jim Johnson, of the Office of Community Development was named as contact person for developing the HRC program for fair housing.

Commissioner Mezey asked if the Mayor's request for financial support for the HRC's community tension mediation efforts was in addition to similar support for fair housing work by the HRC. She said that she was concerned about the HRC's being asked for an "extension of HRC staff capabilities" without adequate financing for more staff to meet increased obligations.

Director Mickins said the HRC's original budget request for fair housing implementation to OCD has been revised upward at the request of the Mayor's Office. He said he will inquire if, given the Mayor's concerns about HRC action regarding the Black, Jewish community tensions, the HRC budget should be revised again.

2. Wastewater Project. The HRC has received $87,000 for 1979-1980 F/Y staff to monitor this giant construction project in the City that will take some seven years and one billion dollars to re-design and re-route the entire sewage disposal system of the City.

3. San Francisco International Airport. Under a $47,000 allocation the S.F.I.A. has by inter-departmental work-order provided funds to monitor contracts let there, the HRC has assigned Lydia San Filippo as a fulltime contract compliance officer monitoring tenants and leasees at the Airport.

Minority Business Enterprise (MBE) Program requirements for Airport construction contracts also are monitored by HRC staff. These contracts including the Airport expansion projects total, Mr. Mickins said, in excess of 100 million dollars annually.

4. Public Utilities Commission. The HRC still is discussing what funding assistance can be made by the PUC for services provided by HRC staff.

Director Mickins said finally that the HRC has found some relief from the post-Proposition 13 cutbacks by carrying out a policy of asking City departments and agencies to pay for affirmative action and other services it provides them

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Commissioner Fine was informed, in answer to his inquiry, that the state Fair Employment Practices Commission does not pre-empt the HRC in conciliating housing complaints of a local nature.

STANDING COMMITTEES
EMPLOYMENT
Vernon Alley, Chairperson
Caryl Mezey, Co-Chairperson

- Criteria for Measuring and Evaluating Banks and Savings and Loan Institutions - Mary Gin Starkweather, Employment Compliance Specialist.

Ms. Starkweather used her narrative and statistical report as the basis for a verbal presentation at this meeting. She noted that the HRC has been working with banks holding City deposits since 1971. Because of HRC staff exigencies, however, for the past several years there has not been an active, ongoing service of this aspect of the employment sector. Ms. Starkweather was assigned to this area four months ago.

As background, she noted that the first steps taken by the HRC, based on studies of the minority and woman participation in bank workforces, were to bring about more active and widespread recruiting from community resources and referral groups. Focus was placed on internal training and upgrading of bank employees when statistics showed a concentration of minorities and women to be largely in work categories below managerial and officer levels. Her report, she said, is in response to a need expressed by the HRC, its Employment Committee, and the banks.

In discussing goals to be followed, she said financial institutions will be urged to achieve San Francisco population parity of persons 16 years or older, with the same standard applying to women and each class of minority (American Indian, Black, Chinese, Japanese, Filipino, Hispanic, and Other Non-White are the categories requested by the HRC in bank workforce reports). Banks will be required to have equal employment programs designed to achieve ethnic balance at all job levels.

In discussing evaluation criteria, Ms. Starkweather said the HRC has chosen a figure of 70% of population over 16 years old as being the threshold step for ethnic participation in the overall workforce.

A bank which does not show a minimum 70% parity in the overall workforce must exhibit "extraordinary good-faith efforts in near-future hiring and promotion of minorities and women," she said.

Factors to be considered in the evaluation procedures include the bank's past history of progress, its rate of growth; a bank's use of nontraditional recruitment sources; whether the bank workforce is so small that individual minority classes cannot effectively be broken down; and the location of the bank, e.g., an Asian bank located in an area of heavy concentration of a particular minority group, being however, encouraged to augment the workforce at an alternate branch located in a more diversified area.

Future HRC staff work with banks will include:

1. Close monitoring of their hiring and promotional progress.

2. Drafting of the HRC's Affirmative Action Requirements for the Banks document.

3. Revision of the HRC questionnaire to include reports on hiring, training, and promotion of the disabled as well as minorities and women.

Statistical charts attached showed City population breakdown, 1978 population estimates, City ethnic group population percentages, minority employees breakdowns for major banks holding City deposits, and the projected 1980 City population and over 16 by race and sex.

Ms. Starkweather noted that banks had reported difficulties in identifying disabled hires because of the reluctance of many such candidates to identify themselves as disabled, and she said that the banks would be asked to report such candidates and hires "to the best of their ability" to identify them.

She also said that banks are asked to describe which methods they use to identify minorities (supervisor identification, physical appearance, names or self-identification).

Ms. Starkweather responded to a number of questions from the Commissioners following her formal report.

Commissioner Morrissey was given a response to his question of jurisdiction that the City attorney had long ago held that administered Ordinance requirements by HRC apply to the banks. Because of the lack of staff in the past three or four years at the HRC to implement affirmative action fulltime with financial institutions, there has not been program review with individual bank affirmative action programs, Director Mickins reported. But it was emphasized that the workforce data has continued to be submitted. It noted that there was a separate agreement in 1974 between the HRC and Hibernia Bank about its affirmative action implementation.

Commissioner Morrissey was told by Director Mickins in answer to his inquiry about reports of complaints of discrimination from bank employees, that possibly as much as 25% of the HRC complaint caseload may be from bank employees.

It was noted that the penalties provided for noncompliance under 12B include recommendation that the City deposits (the contract) be withdrawn from a financial institution, financial penalty, or two-years prohibition of City contract eligibility.

After further discussion of this affirmative action implemention with financial institutions, it was
*****m/s/c that the HRC adopt the Criteria for Measuring and Evaluating the Banks and Savings and Loan Institutions.

- Recommended HRC Action Regarding Police Department Policy on Active Recruitment and Employment of Lesbians and Gay Men for Officer Positions. - Commissioner Alley.

A formal statement, adopted by the Employment Committee, was read by Commissioner Alley as follows:

For the first time in its history, the San Francisco Police Department has actively recruited lesbians and gay men. This recruitment drive and commitment to cease discriminating against police officer applicants on the basis of sexual preference was initiated by Chief of Police Charles R. Gain. Neither the Mayor nor the Police Commission has taken a position on the active recruitment and employment of lesbians and gay men for police officer positions.

Because the current Chief of Police soon will be leaving his position, the recruitment and employment effort on behalf of lesbians and gay men may be in jeopardy. This factor, viewed in conjunction with the historical acceptance of discrimination against homosexuals in police work and the fact that many applicants to the Police Department have admitted their sexual preference because of the recent recruitment efforts, necessitates a statement of commitment by officials of the City and County of San Francisco.

The Employment Committee then requested that the HRC write the Mayor and the Police Commission urging them to take a position in favor of the recruitment and employment efforts (aimed at lesbians and gay men) initiated by Chief of Police Gain.

Commissioner Lyon reported that the Gay Advisory Committee had concurred in this request at its most recent regular meeting.

It was then

*****m/s/c that the HRC write Mayor Dianne Feinstein and the Police Commission

urging them to take a position in favor of the recruitment and employment efforts (aimed at lesbians and gay men) initiated by Chief of Police Charles R. Gain.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Committee Activities Report - Lloyd Cowan, HRC Gay Liaison Worker.

Among the activities and concerns of the Gay Advisory Committee are:

1. Minnesota Multi-phasic Personality Inventory - MMPI - testing. This concern, reported on June 4, 1979 to the HRC, had been brought to the Committee by Leonard Matlovich, who said several major local employers were using the test for purposes of employment screening, and that many of the questions asked are held to be sexist and discriminatory with no connection to job qualifications. The Committee has met several times with Dr. William R. Horstman, who says use of this test is illegal. Discussion is scheduled with all parties involved at the Committee level to decide on further action.

2. Proposed In-Service Sensitivity Training for San Francisco Unified School District Administrators.

The HRC voted in May, 1979, to join with the Delinquency Prevention Commission and the Commission on the Status of Women to co-sponsor an assembly at Mission High School dealing with the problem of reported violence against gays by some students there. Because of the time element with the school term nearly ending and for various other reasons, this assembly was not held. For the past several months the Committee and Mr. Cowan have worked with others to produce a package program which calls for three sessions for SFUSD administrators during the in-service training week and which cover verbal, physical, and psychological violence. The package was produced in work-sessions with Superintendent of Schools Robert Alioto and his assistant, Ms. Barbara Cohen. The sessions also covered:

- attitudes that provoke violent behavior
- social agencies that deal with related situations
- community responsiveness
- the right to address classrooms on these concerns. The next session will be held August 23rd.

The SFUSD also has said it wishes to work with the program designers throughout the upcoming school year so that the material which could not be given during the in-service training can be presented more effectively in other learning situations.

3. Gay Advisory Committee Community Visibility.

The Committee has increased its mailing list, and contacts with new community groups have been established by staff (Parents of Gays and Sexual Minority Youth Coalition). Commissioner Lyon and Mr. Cowan will be meeting with a reporter from The Sentinel newspaper for historical resume of the Committee's work since its beginning with the HRC in 1975.

- It was pointed out that a member of the Youth & Education Committee also serves on the planning committee working with Superintendent Alioto, the Gay Advisory Committee, the Commission on the Status of Women the Delinquency Prevention Commission and others.

HOUSING AND URBAN DEVELOPMENT
Pius Lee, Chairperson
Antonio Grafilo, Co-Chairperson

- Committee Report - Donald Hesse, Housing Representative.

Before Mr. Hesse's report, Commissioner Lee said the Committee continues to focus on the critical need for expansion of the City's housing stock.

Mr. Hesse said that the Committee will be meeting soon with representatives of the City Planning Department's Zoning Division and the Mayor's Office of Community Development. These representatives will come to the Committee's next regular meeting, Tuesday, August 28, at 9:30 A.M. at Commissioner Lee's business office, 1322 Grant Avenue.

Mr. Hesse reported that the recently-passed (by the Board of Supervisors) rent stabilization ordinance provided for establishment of a Citizens' Housing Task Force which is to report to the Mayor on the housing problems that gave rise to the ordinance and return recommendations at the end of the 15-month duration of the ordinance.

At the recommendation of the Committee, it was
*****m/s/c that the HRC urge that minorities be represented on the Citizens' Housing Task Force created by the Board of Supervisors.

It also was
*****m/s/c that the HRC request again (it did so on behalf of Director Mickins last April, that it be represented on the Mayor's Housing Policy Group, created in early 1979, and including a number of City departments.

- Commissioner Morrissey asked if the Committee could study the upcoming City ballot initiatives concerning housing, rents, and height control so it could advise the HRC.

- Commissioner Fine inquired if the proposed Opera Plaza development (on Van Ness Avenue near the Civic Center) would include low and moderate-income housing. Mr. Hesse said he would determine if the development would include federal subsidies, but that initially it was announced as aiming at moderate-income housing (beginning at purchase prices of around $80,000).

POLICE LIAISON/SOCIAL ISSUES
John Morrissey, Chairperson
Joan Zamora Moulton, Co-Chairperson

- Proposed Resolution on Indochinese Refuges.

Copies of this proposed Resolution had been provided in advance of this meeting to all members of the HRC.

It was
*****m/s/c that the HRC adopt the Resolution on Indochinese Refugees in San Francisco. The full text of this Resolution is attached to these Minutes. Commissioner Kennedy voted "No".

- Committee Report.

The Committee has met twice since the last HRC meeting June 28. It has set the first Wednesday of each month as its regular meeting date. The next meeting will be September 5, 1979, at 4 P.M. at the HRC office.

It continues to followup on the HRC recommendations on charge bargaining with the Juvenile Court and the Chief Probation Officer.

It is widening its concern about the status and services to immigrants as an outgrowth of the Indochinese and Nicaraguan situations.

- Proposed Resolution on Nicaraguan Refugees in San Francisco.

This Resolution, adopted by the Committee at its August 1st meeting, was

sent to the Board of Supervisors' State and National Affairs Committee. That Committee, incorporating some of the language of this Resolution, was sent to the Board of Supervisors for action at its August 13 meeting. The Board postponed action until its meeting scheduled August 27. Since no action has been taken before this August 16 HRC meeting, and after one minor change of wording, it was

*****m/s/c that the HRC adopt the Resolution on Nicaraguan Refugees. Commissioner Moulton thanked Jack Casford for his background research on the status of these refugees in the City and the drafting of the Resolution. Commissioner Lee said the Resolution will be translated for publication in Chinese-language media.

NEW MATTERS

- Commissioner Mezey announced that Civil Service Commission President Darrell Salamon would speak on employment affirmative action at a noon meeting of SPUR (San Francisco Planning and Urban Research association). Members of the HRC were urged to attend..

- Commissioner Moulton asked that the Police Liaison/Social Issue Committee work with the Employment Committee to monitor placement of minorities and gays in Police Officer positions to be filled in the near future.

- City's Settlement Agreement with the federal Office of Revenue-Sharing and Implementation of a City Affirmative Action Employment Policy. - Director Mickins

This Agreement, announced recently, names the HRC as one of the agencies to receive reports of the progress of implementation. Mr. Mickins met recently with legal representatives of the ORS and a representative of Public Advocates, Inc., which brought the lawsuit against the City on behalf of an Hispanic community group called Latinos for Affirmative Action that led ultimately to the Settlement Agreement. He expressed the HRC's desire to everything possible, provided it is allowed staff to do so, to help carry out the terms of the Agreement. The ORS and Public Advocates, Inc. representatives said they would like to sign an agreement with the HRC to have it monitor implementation of the Settlement Agreement for the next two or three years and that they would return with a proposal to include the requirement that staff be available to the HRC. They felt that the HRC was the local agency best suited to carry out this work.

- Bay Area Committee for Alternatives to Psychiatry. - Commissioner Solomon

Commissioner Solomon recently received a letter from this organization.

**She asked that the concerns expressed in this letter be referred to the Police Liaison/Social Issues Committee.

Commissioner Mezey urged that different points of view be solicited in consideration of the BACAP concerns.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, September 13, 1979, at 9:15 A.M., in the Third Floor Commission Room of the Main Library, Civic Center. In September the HRC returns to its regular meeting schedule of every second and fourth Thursday of the month.

STANDING COMMITTEES

Employment	Thursday, September 6, 1979, @ 9:30 A.M. 870 Market Street, Suite 675 San Francisco, Calif. 94103
Gay Advisory	Tuesday, September 4, 1979, Noon HRC Offices, Room #509 San Francisco, Calif. 94103
Housing & Urban Development	Tuesday, August 28, 1979, @ 9:30 A.M. 1322 Grant Avenue San Francisco, Calif.
Ordinance Revision	Wednesday, August 29, 1979, @ 10:00 A.M. HRC Offices, Room #502 1095 Market Street San Francisco, Calif. 94103
Police Liaison/Social Issues	Wednesday, September 5, 1979, @ 4:00 P.M. HRC Offices, Room #509 1095 Market Street San Francisco, Calif. 94103
Youth & Education	Thursday, August 23, 1979, @ 3:30 P.M. Yerba Buena Senior Center 1111 Buchanan Street San Francisco, Calif.

NO REMARKS FROM THE AUDIENCE

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

HUMAN RIGHTS COMMISSION

RESOLUTION ON NICARAGUAN REFUGEES IN SAN FRANCISCO

WHEREAS, since people of Nicaraguan origin and descent represent a large proportion of the Hispanic population of San Francisco; and

WHEREAS, the long civil war and internal disruption in Nicaragua has caused thousands of its citizens to leave for various political, ideological, and economic reasons; and

WHEREAS, San Francisco, with New Orleans, is a major port city for Nicaraguan nationals to enter; and

WHEREAS, it is estimated that several thousands of uprooted Nicaraguans presently in San Francisco require or will require housing, employment, language training, and health care;

NOW, THEREFORE, BE IT RESOLVED, that the United States government be urged to increase the immigration quota maximum to enable these Nicaraguans to find refuge in this country; and

BE IT FURTHER RESOLVED, that the City of San Francisco be urged to extend to these newcomers the widest possible assistance in finding employment, housing, language training, and health care; and

FINALLY, BE IT RESOLVED that all San Franciscans be urged to actively support local institutions and groups working on behalf of the assimilation of native Nicaraguans who desire to make their home here.

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Resolution 13-79
Adopted by the HRC 8/16/79

gm

HUMAN RIGHTS COMMISSION

RESOLUTION ON INDOCHINESE REFUGEES IN SAN FRANCISCO

WHEREAS, the plight of the Indochinese refugees, both land refugees mostly from Laos and Cambodia, and the "boat people", mostly from Vietnam, touches the conscience of all people, and challenges America's and San Francisco's tradition of offering refuge to the victims of persecution; and

WHEREAS, the refugee burden has fallen heavily on the other countries of Southeast Asia, with varying reactions based on their own economic and political positions; and

WHEREAS, the United States, and particularly the West Coast with its major port cities including San Francisco, is, with Australia and Canada, the nearest, logical, large country with the means to accomodate an influx of refugees; and

WHEREAS, the United States government has announced a doubling of its annual admission of Indochinese refugees to 168,000 a year,

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission express its deep concern over the abuse of basic human rights in Southeast Asia which has contributed to the refugees' flight and distress, and

BE IT FURTHER RESOLVED that the Human Rights Commission express its support for those federal, state, and local policies that will increase the numbers of Southeast Asian refugees admitted to this country, and offer basic health, housing, and employment training and referral services to them, and

FINALLY, BE IT RESOLVED that the HRC urge San Franciscans and their neighbors in the Bay Area to demonstrate, as many already have, a supportive welcome to those refugees arriving here, whether in transit to other parts of the United States, or to become residents and wage-earners with us.

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Resolution 12-79
Adopted by the HRC 8/16/79

gm

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Sept. 13, 1979

NEXT MEETING: Thursday
Sept. 27, 1979
Commission Room, Third Floor
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Lia Belli, Sister Bernadette Giles, Willie B. Kennedy, Pius Lee, Caryl Mezey, John Morrissey, Joan Moulton, Donna Solomon.

Excused: Rabbi Alvin I. Fine, Antonio Grafilo, Phyllis Lyon, Dan Silva, Nadim Zarour.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Lloyd Cowan, Stanley Lim, Joe Meza, Gail Roberts, Lydia San Filippo, Mary Gin Starkweather, Essie Thomas.

Pledge of Allegiance

Minutes of the Meeting of August 16, 1979, approved with one change, at the request of Steven H. Herman, attorney for Rudy, Rapaport & Holden, representing North Point Pier, Inc. On Page 3 under Appeal of Director's Finding of Noncompliance against North Point Pier, Inc., in the second line, the parenthetical phrase"(the Warren Simmons development/management company for Pier 39, the Embarcadero tourist complex of restaurants and shops)" is changed to: (the alleged lessee of the Pier 39 complex of restaurants and shops).

Before the beginning of the official business of the HRC, Steven H. Herman appeared to request formally a cancellation of the scheduled September 20, 1979, (second) hearing by the HRC of an appeal of its Director's Finding of Noncompliance of November 1978 against North Point Pier, Inc. Director Mickins read in full a letter from Mr. Herman to the HRC on August 30, noting that the San Mateo County Superior Court judge hearing the City and County of San Francisco lawsuit against North Point Center, Inc. has set September 20 and 21 for a settlement conference, and that Warren Simmons, Sidney Rudy, and Gilbert Freeman, officers of North Point Center, Inc., whose presence at the HRC Appeal Hearing had been requested, had to appear at this settlement conference.

Mr. Herman stated that the San Mateo County Superior Court trial is expected to take as long as six weeks, and he requested that the Appeal Hearing before the HRC be set for early December.

*****It was agreed by the HRC and Mr. Herman at this meeting that the Appeal Hearing (the second such meeting on this Appeal) would be held on Thursday, December 20, 1979, beginning at 9 A.M. The Commission Room of the Main Library is reserved for this entire day for this hearing.

It was agreed also that the substantative points of the first (August 9, 1979) hearing would be reheard on December 20. There was discussion between the HRC Direcgor Mickins, and Mr. Herman on establishing further procedures, such as repeating (briefer) opening statements, re-examination of Wayne Redus, the HRC's former Coodinator of Employment who was cross examined by Mr. Herman Aug. 9, etc.

Mr. Herman was asked to contact Director Mickins if a settlement was agreed upon in the City and County of San Francisco vs. North Point Center, Inc. case conference on September 20 and 21.

COMMUNICATIONS

- From Kenneth Maley, Media Consultant, a letter sent also to Mayor Feinstein, and the HRC's Housing and Urban Development Chairperson and staff (Don Hesse), protesting the appointment of Commissioner Pius Lee as Chairperson of the HRC Housing and Urban Development Committee.

- From Paul Chaffee, Co-Minister, Fellowship Church, inviting the HRC to Co-sponsor the 1980 Martin Luther King Jr. Celebration with the Conference on Religion, Race and Social Concerns.

- From Melinda Sacks, Director, Operation Sentinel, Urban Coalition, seeking a subcontract with the HRC administering an Office of Community Development fair housing program grant.

- From Gilbert H. Boreman, Clerk of the Board of Supervisors, a copy of a letter regarding the 1978-1979 Grand Jury Reports sent to top City officials, asking that they respond "concerning those Grand Jury recommendations which pertain to their respective departments and offices, boards and commissions under their respective jurisdictions."

- From Assemblyman Art Agnos, a copy of a letter to Jeff Brown, San Francisco Public Defender, regarding the ethnic composition of his office staff. This letter was read in full at the request of Commissioner Mezey.

- From Steven H. Herman, of Rudy, Rapoport and Holden, requesting cancellation of a hearing date of September 20, 1979, in the Appeal Hearing by North Point Pier, Inc. of an HRC Director's Finding of Noncompliance and setting a new date. See above for discussion of this request.

- From Sharon Long, Campaign Coordinator, American Civil Liberties Union of Northern California, requesting HRC support of a campaign in opposition to Proposition 1-the Robbins Anti-Busing Amendment- to be on the November, 1979, ballot in California.

- From Assemblyman Agnos, urging support in opposition to the expansion of the Sutter/Stockton Garage in downtown San Francisco, and urging adoption of a resolution proposed by Supervisor Ella Hill Hutch that would impose a moratorium on the demolition of housing for the purpose of building parking facilities.

- From Mayor Feinstein, a copy of a letter to Gilbert H. Boreman, Clerk of the Board of Supervisors, responding to his letter of August 24 dealing with the City Budget Analyst's August 22 memorandum concerning projected 1980-1981 revenues and expenditures. Director Mickins summarized the highlights of this long and detailed response, which included five broad-based guidelines. Copies of the full letter will be sent to all members of the HRC.

- From Mayor Feinstein, a response to Director Mickins' letter of August 23 regarding employment of lesbians and gay men as Q-2 police officers. The Mayor stated "...if lesbians and gay men qualify as Q-2 police officers, they should be eligible to serve. I do not believe in sex discrimination."

- From Dorothy Gerughty, requesting consideration in preserving the Fleishhacker Pool Building, currently used as an Art and Recreation Center, and being considered for demolition because of the Wastewater Management construction program.

- From Assemblyman S. Floyd Mori, a form letter requesting support for his ACA 55, to impose a property tax surcharge on business and commercial property to raise funds for housing production and rehabilitation (by the private sector).

DIRECTOR'S REPORT

- Dr. Catherine Smallwood and the Commission on the Status of Women.

The newspapers of September 12 and 13 have carried the story of the termination, by 7-2 vote of the Commission on the Status of Women, of Dr. Smallwood as Coordinator.

Director Mickins read in full the following letter from Mayor Feinstein, dated September 11, 1979, to Mr. Mickins:

Septemberll, 1979

Mr. Grant Mickins
Director
Human Rights Commission
1095 Market Street
San Francisco, Calif. 94103

Dear Mr. Mickins:

An unusual and divisive controversy has developed over the proceedings before the Commission on the Status of Women in regard to its Coordinator Dr. Catherine Smallwood. At least one member of the Commission has openly challenged that a fair and impartial evaluation of Dr. Smallwood is questionable. Ivery much regret that the situation has become so heated and now may be further escalated by persons outside the Commission. Certainly, any personnel matters should be decided impartially and solely on question of fact.

Heretofore, I have taken no hand, given no statement or taken no action whatsover that in any way might be interpreted as prejudicing the Commission. However, because of the current emotionalism surrounding the case and running so extraordinarily high, I believe it is in the best interest of the City for the Human Rights Commission to look into the allegations that have been made and provide an evaluation to me and to the Commission on the Status of Women by its next meeting in October.

Thank you for your attention to this matter.

Warmest regards.

Sincerely,

DIANNE FEINSTEIN
Mayor

Director Mickins gave a brief background on this issue, and its wide interest to members of the Black and other communities in the City.

In discussion, the HRC noted that its jurisdiction in this matter comes under Chapter 12A.5. Powers and Duties (a) wherein it may "study, investigate, mediate and hold public hearings on community-wide problems arising in this City and County which result in intergroup tensions or discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, disability or place of birth."

Director Mickins said he understood the Mayor's responsibility in assigning the HRC in an investigatory and recommendation role in the very sensitive Smallwood matter.

He said that there were two issues, as he saw them:

1. The question of the termination of Dr. Smallwood by the Commission on the Status of Women because of incompetency.

2. The question of the termination of Dr. Smallwood by the Commission on the Status of Women because she is a Black woman.

- Director Mickins requested that Chairperson Yamakawa appoint a select panel of Commissions to work with HRC staff, to evaluate the issues, and make recommendations to the Mayor's Office and to the Commission on the Status of Women by its next meeting in October.

He noted that a particularly sensitive aspect of the issue and the letter from Mayor Feinstein was of one City commission investigating another, and its involvement with a personnel matter.

In response to question from Commissioner Mezey, it was noted that Dr. Smallwood has personally made no representation to the HRC regarding her termination.

Director Mickins said that the Mayor's September 11 letter to the HRC had been delivered to the Commission on the Status of Women before its September 11th meeting in the hopes it would forestall its subsequent action of terminating Dr. Smallwood until HRC had reviewed the matter.

Commissioner Mezey stated that while the HRC might not have a formal investigative jurisdiction in this issue, it could take some preliminary steps towards resolving intergroup tensions.

Commissioner Moulton expressed reservations about the HRC's having any role to play regarding judgement of Dr. Smallwood's competency, rather than confining its interest to the possibility of discrimination.

Director Mickins said that Mayor Feinstein's deputy, Hadley Roff, in a telephone conversation on September 11 with him had stressed that the Mayor's concern was with the fairness of the procedural action by the Commission on the Status of Women in terminating its Director.

On action by Commissioner Morrissey, and with an amendment by Commissioner Mezey, it was
*****m/s/c that in view of the September 11, 1979 letter received by the HRC from Mayor Dianne Feinstein (regarding the issue of the termination of Dr. Catherine Smallwood by the Commission on the Status of Women) that the HRC staff be directed to give first priority to investigating whether there is any basis for the allegations that Dr. Catherine Smallwood's rights are being violated. The Chairperson of the HRC was directed to appoint a committee of Human Rights Commissioners to work with HRC staff because of the time exigency of having an evaluation by the next October meeting of the Commission on the Status of Women.

- <u>The 1978-1979 Civil Grant Jury Reports - Section on the HRC.</u>

Director Mickins summarized the Grant Jury's analysis of the work of the HRC as prepared by its committee members (John S. Collins, Chairman, Genelle Rolfe, and Rebecca S. Turner).

It discussed the work of the HRC's six standing committees and their achievements and areas of concern. Its overall assessment of the HRC, Director Mickins said, was favorable. It noted that during 1978 the HRC made "great strides" in its monitoring of City contractors for affirmative action in employment, and that it had established that all user agencies pay fees for this affirmative action work.

The Grand Jury recommended that the Board of Supervisors and the Mayor fund the HRC for additional staff to meet the requirements of Chapter 12A. to help alleviate intergroup tensions.

- Federal Office of Revenue-Sharing Agreement with City-HRC Role.

The HRC met with representatives of the Civil Service Commission and the federal Office of Revenue-Sharing on August 30 regarding the HRC's designation (in the agreement recently concluded between ORS and the City) to monitor affirmative action agreements with City agencies and be part of the certification to the Board of Supervisors that they are meeting them.

A key factor in this agreement and designation was the condition that the HRC be funded for this service, and that these funds would be provided as part of the Civil Service Commission budget. CSC is asking $516,000 annually to implement the agreement with ORS over the next five years; it has recommended the HRC for less than $12,000. The HRC is submitting a budget request for $59,044 for its work. It will be required to review 58 major City departments with more than 30,000 employees and the HRC estimates it will need funding for two professional and one clerical staff to cover this work adequately.

- Continuing Meetings Regarding Black/Jewish Community Tensions.

The HRC, with the Conference on Religion, Race and Social Concerns, and the Jewish Community Relations Council invited 27 representatives as individuals and from some community organizations to a meeting August 29 in the conference room of the Commission on Aging. Eighteen persons responded. This meeting came about as a followup to a request from Mayor Feinstein to the HRC asking that it work cooperatively to set up a program to address the reported group communications problems between various ethnic and religious minorities in the City, including the Black and Jewish communities.

The August 29 meeting concentrated on identifying a format for identifying mutual interests and concerns for differing groups to work on. The Mayor's Office is represented on this group, which has tentatively selected the name Intergroup Clearinghouse. The Mayor has shown great personal interest in the groups work, Director Mickins said. One common concern identified by the group was working together in opposition to the Robbins anti-busing Proposition 1, and the proposed voucher plan for public education.

STANDING COMMITTEES

EMPLOYMENT

Vernon Alley, Chairperson
Caryl Mezey, Co-Chairperson

- HRC Monitoring of Community Mental Health Contracts - Lloyd Cowan, Contract Compliance Specialist.

This was a report of the work of both Mr. Cowan and Emmett Rosebrough, also a Contract Compliance Specialist.

The HRC has been gathering workforce data and statistical information from agencies funded by or through the Community Mental Health Service of the San Francisco Department of Public Health since October of 1978. Mr. Rosebrough originally did this work alone. The contract directory he received from the Department of Public Health contained more than 80 contracts. However, only those provider contracts of $40,000 and over were selected for monitoring. These 80 programs (contracts) selected actually represented 51 separate agencies, as some are funded for more than one program in the agency.

Mr. Cowan, who joined the HRC as a Gay Community Liaison Worker early this year, began his work in contract compliance in June of 1979.

The purpose of monitoring these agencies is to examine their hiring posture vis a vis affirmative action under the provisions established in Chapter 12B of the San Francisco Administrative Code. With the data collected, the HRC formulates an affirmative action agreement with each agency, with the purpose of attaining goals and reasonable expectations.

The goal with each agency and the subsequent agreement is to develop a workforce, in each job category, which more closely approximates the racial and ethnic population of San Francisco. In order to do this, the job classifications from federal EEO-1 reports, selecting specific categories relevant to the individual agency, are used with separate job classifications, so employee diversity at each level, with probable upward mobility for minority employees, can be encouraged. Of the 51 Community Mental Health agencies, 22 have fewer than 10 employees, 2 between 100 and 200 employees, 1 over 200 employees, with the remaining 26 agencies varying in total workforce from 11 to 67 employees. Five agencies have 2 or 3 programs each. Funds channeled through Community Mental Health total $20 million, and the total employee workforce is 1,133.

Various factors are involved in the construction of an affirmative action agreement. First, employee data must be collected and placed in the appropriate classification level. Consideration is also given to the number of new hires in the past year, available or relevant recruitment information as well as the agencies' method of hiring, promotion, and training, where applicable. When this information is complete, a statistical workforce breakdown sheet is then prepared in order to establish the areas which merit appropriate consideration.

Each agreement contains the nondiscrimination language relating to the protected classes set forth in Chapter 12B of the San Francisco Administrative Code. In regard to affirmative action provisions, the importance of "good faith efforts" in realizing the established goals is stressed. It is to be understood that the goals and timetables are flexible concepts. These were developed to increase minority and women applicant flow, with the goal for new hires being drawn from qualified minority and women applicants to fill open positions.

Each agency is monitored either on a monthly or quarterly basis. The decision is at the discretion of the staff, depending on the size and responsiveness of the agency. A form is supplied by the Human Rights Commission to monitor employee flow. Areas of concern in reporting are:

current workforce,
new job applicants,
new hires,
terminations,
affirmative action file, and
recruitment sources contacted,
promotions and upgrade.

In each of these categories, employee race and sex are to be included.
Agreements are effective from the date of signing until the end of fiscal year.

Agencies with infrequent employee turnover and/or considerably low total workforces are encouraged to participate, when dealing with the purchase of supplies, with minority and women-owned businesses. In this manner, the involved agency is able to exhibit good faith efforts and participation where minorities and women constituency prevails.

Those agencies with indirect or administrative costs, permitted under contract with the San Francisco Department of Public Health and payable to the agency, are considered to be a subcontract for the purpose of the affirmative action agreement, and, therefore, subject to Chapter 12B.

Mr. Cowan's written report, distributed to all Commissioners, included samples of reporting forms used by the HRC, and a 1980 projected population breakdown of the City by race and sex.

It was
*****m/s/c to adopt the Report on HRC Monitoring of Community Mental Health Contracts.

World Trade Club Affirmative Action - Annual Report - Essie Thomas, Contract Compliance Specialist.

Ms. Thomas' report had been scheduled for presentation at the regular

July meeting of the HRC which was cancelled. She was on vacation when the HRC met August 16, which put this report over to September, although it gives the status as of June 30.

This survey was done in June 1979, as a follow-up to the World Trade Club's Affirmative Action Agreement signed October 24, 1978. This survey covers all persons on the payroll from December 31, 1977 through December 31, 1978.

The World Trade Club has five or more employees and has a lease with the Port Commission. The statistics report compare the current year to data collected in December 1977. The data are separated for the visible staff, e.g., dining room and bar staff, and non-visible staff, e.g., kitchen, office and other personnel. A separate analysis includes the visible jobs, e.g., waiter/waitress, cashier, bartender, etc. All information is by race and sex.

Table attached to these Minutes, includes a yearly report of the total workforce and a comparative analysis for a two-year period, and also summarizes, by percentage, the visible jobs for both white male/female and minority male/female.

Other tables showed the more visible jobs in the restaurant industry, e.g., captain, maitre d', hostess, cashier, bartender, waiter/waitress (dining room and/or cocktail) and checkers. The breakdown is expressed both numerically and by percentage.

Two tables represented chefs, cooks and other kitchen help. Although chefs and cooks are among the better-paid employees in the restaurant industry, they are not visible and therefore not included in the visible category. Also included in these tables were office personnel.

The ethnic make-up of the workforce has not changed substantially over the years that the Human Rights Commission has been monitoring this restaurant. The restaurant management actively sought out a minority person to enter into its apprentice cook program, and the HRC was informed that this person, a minority male, "was doing quite well". Hiring, training, and promotion goals were met during the year. Two persons were being trained as cooks as of December 31, 1978. One was minority male and one a white male (apprentice cook training takes three years to complete). Two persons were promoted, one minority male and one white male. The minority from bar boy to bartender, and the white from waiter to captain.

Ms. Thomas said that the World Trade Club deserved special mention for the fact that during the HRC's monitoring work with it minority representation in the workforce has been consistently high, and that it had made good faith efforts to recruit minorities and women. The HRC, she said, looks forward to continued mutual cooperation between itself and the Club.

It was
*****m/s/c that the HRC adopt the World Trade Club Affirmative Action Annual Report.

See New Matters regarding semantics of "adopt" as opposed to "accept" and "receive".

- Viacom Cablevision Affirmative Action-First Annual Report. - Essie Thomas.

The Human Rights Commission does not have a formal Affirmative Action Agreement with Viacom Cablevision. However, it does have a letter of understanding which complies with the provisions of Chapter 12B of the Administrative Code of the City and County. In order for the HRC to determine to what extent Viacom Cablevision is in compliance with Chapter 12B, they must complete and return a questionnaire (within 10 working days) supplied by the HRC. We also receive copies of their federal EEO-1 completed forms. This is done annually.

The Human Rights Commission has been monitoring Viacom Cablevision since 1970. Initially it was known as Television Signal Corporation and located at

1902 Van Ness Ave. The present Director of the HRC was then the HRC Employment Coordinator and requested a report on the ethnic identification of the workforce of Television Signal Corporation. The request was complied with on September 14, 1970. There was a break in the monitoring of Viacom Cablevision from 1970 until 1976. Tables attached to Ms. Thomas's report reflect the workforce breakdown data for the years 1976 through March 31, 1979. Minorities and women have become officials and managers, professionals, technicians, sales workers and skilled workers. However, the minority female did not fare too well. The HRC and Viacom Cablevision are working to correct this inequity. Staff intends to continue working with Viacom at essentially the same level.

Tele-Vue and Systems, Inc., a subsidiary of Viacom International Inc., is known in San Francisco as Viacom Cablevision. Viacom Cablevision headquarters are located at 1175 Potrero Ave. Viacom Cablevision is operating under a franchise with the City and County of San Francisco.

See the statistics on Job Categories by Ethnic Group as of March 31, 1979 (attached to these Minutes).

Mr. Rich Hylan, Plant Manager for Viacom, was present to answer several questions about the company's recruitment of women as employees. He said that it had been very difficult to recruit women able to carry 65-pound, 32-foot extension ladders while doing strenous pole work outside.

It was
*****m/s/c to adopt the Viacom Cablevision Affirmative Action-First Annual Report. Three "no" votes on this motion were on the semantic-differences issue of "adopt" as opposed to "receive" or "accept." See New Matters.

- At this point Commissioner Alley asked that the HRC resolve the distinction in the use of these terms. He had been requested by the Employment Committee to have the reports "adopted."

Commissioner Giles said that the Youth & Education Committee stance has been that it "receives" reports and "adopts" recommendations.

ORDINANCE REVISION
Donna Solomon, Chairperson

- Recommended Changes in Chapter 12A and 12B of the City Administrative Code.

With input from the Employment, Gay Advisory, Housing & Urban Development, and Youth & Education committees, this Committee, created in March of 1978 as the Chapter 12B Revision Committee, offered its final recommendations on a number of substitutions, deletions, and additions.

Commissioner Solomon led the HRC through a detailed examination of these recommendations, many of which had been discussed and approved in October of 1978, but referred back to the Committee. Each paragraph of each section, after discussion, and with changes suggested by various members of the HRC, was adopted separately.

The sections of Chapter 12A covered in this meeting were: Sec. 12A.1., Sec. 12A.2., Sec. 12.A.31, Sec. 12.A.4., Sec. 12A.5., and Sec: 12A.6.

Because it was noon, and another group had the Commission Room reserved, the HRC agreed topostpone consideration of the rest fo the revisions until September 27.

- Proposed Bill of Rights for San Francisco.

Discussion postponed until the regular HRC meeting, September 27, 1979.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Ms. Willie B. Kennedy, Co-Chairperson

- Committee Report.

Postponed until the regular HRC meeting of September 27, 1979.

NEW MATTERS

- At the request of Commissioner Alley and others, the HRC will recommend what wording it will henceforth use regarding action it takes on staff and other reports, whether it will formally "adopt", "receive" and/or "accept" them.

- Commissioner Lee announced a housing conference to be held, September 20, 1979, sponsored by Mayor Feinstein and City savings and loans associations at the Hilton Hotel.

- It was announced that Commissioners Giles, Kennedy, and Mezey, whose terms expired September 2, 1979, will be re-appointed to serve until September 2, 1983. Their swearing-in ceremony will be held in the Office of the Mayor, Thursday, September 27, 1979, at 9:A.M.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, September 27, 1979, at 9:15 A.M. in the Third Floor Commission of the Main Library, in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, October 4, 1979, at 9:30 A.M. 870 Market Street, Suite 675
Gay Advisory	Tuesday, October 2, 1979, Noon. HRC Offices, Room #509.
Housing & Urban Development	Tues., Oct. 2, 1979, 2:00 P.M., HRC Offices, 1095 Market St., Room #509.
Ordinance Revision	To be announced.
Police Liaison/ Social Issues	Wednesday, October 3, 1979, at 4:00 P.M. HRC Offices, Room #509.
Youth & Education	Thurs., Sept. 20, 1979 - 4:00 P.M., 1111 Buchanan St.

NO REMARKS FROM THE AUDIENCE

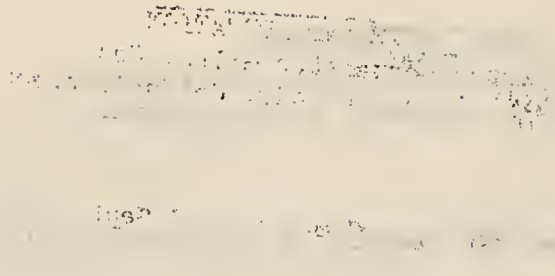
ADJOURNMENT

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

Attachment

GSM/JC/ew



World Trade Affirmative Action Annual Report

TABLE I

COMPARATIVE TABLE OF WORKERS

	1977		1978	
TOTAL WORKFORCE	82	100%	84	100%
Male	75	91.7%	77	91.7%
Female	7	8.3%	7	8.3%
MINORITY WORKFORCE	50	61.0%	50	60.0%
Male	46	56.1%	46	53.2%
Female	4	4.9%	4	4.8%
WHITE WORKFORCE	32	.39%	34	40.0%
Male	29	35.4%	31	36.9%
Female	3	3.6%	3	3.6%
MINORITY VISIBLE JOBS	22	50.0%	21	47.7%
Male	22	50.0%	21	47.7%
Female	0	0	0	0
WHITE VISIBLE JOBS	22	50.0%	23	52.3%
Male	21	47.79%	22	50.0%
Female	1	2.3%	1	2.3%
PERCENTAGE OF TOTAL MINORITY WORKERS IN VISIBLE JOBS		50.0%		47.7%
Male		50.0%		47.7%
Female		0		0
PERCENTAGE OF TOTAL WHITE IN VISIBLE JOBS		50.0%		52.3%
Male		47.7%		50.0%
Female		2.3%		2.3%

Compiled June, 1979

TABLE I - VIACOM CABLEVISION

JOB CATEGORIES BY ETHNIC/GROUP

AS OF MARCH 31, 1979

JOB CATEGORIES	BLACK		JAPANESE		CHINESE		FILIPINO		NATIVE AMERICAN INDIANS		HISPANIC		OTHER NON-WHITE		CAUCASIAN		TOTAL	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials and Managers		1									2				17	6	19	7
Professionals															4	2	4	2
Technicians	1						1				2				10		14	
Sales Workers	4				1			1							6	1	14	2
Office & Clericals	1	3			1	5					2	6			3	10	7	24
Skilled Workers	7										4				22	1	33	1
Operatives Semi-Skilled	1														2		3	
Laborers																		
Service Workers																		
	14	4			2	5	1	1			10	6			64	20	92	36
	18				7		2				16				84		128	
	14.%				5.5%		1.2%				12.5%				65.5%		100%	

SUMMARIES

Minority Male	27	21%	White Male	64	50%	Male Total	92	71.8%
Minority Female	16	12.5%	White Female	20	15.6%	Female Total	36	28.1%
Total Minority	43	33.5%	Total White	84	65.6%	Viacom Total	128	100%

ATTACHMENT #3
HRC Minutes 9/13/79

The following changes, deletions additions, or substitutions for Chapter 12A were approved by the HRC at its regular meeting September 27, 1979:

CHAPTER 12A OF THE SAN FRANCISCO ADMINISTRATIVE CODE

Chapter 12A. Human Rights Commission.
SEC 12A.1. Finding.

No recommended changes, additions, deletions, substitutions.

SEC. 12A.2. Declaration of Policy.

It is hereby declared that the policy of the City and County of San Francisco is to assure the rights of every inhabitant of the City and County to equal economics political, educational, and housing opportunity, to equal accommodations in all business establishments in the City and County and to equal service, protection, and employment opportunity by public agencies; that an instrumentality should be established to assure such rights.

SEC. 12A.3. Scope of Ordinance.

(a) As used in this chapter, the term:
"Age" shall apply to young and old, provided that minimum age limitations established by State law shall not be considered discriminatory within the meaning of this section.

All other definitions of categories are included as is.

SEC. 12A.4. Establishment: Appointment; Terma; Executive Director.

(b) The position of Executive Director to the Commission shall be established pursuant to and subject to Section 3.400 and 8.200 of the Chapter of the City and County of San Francisco. The person occupying such position shall be appointed by the Chairperson of the Commission with the approval of a majority of the members of the Commission. The position of Executive Director to the Commission shall be exempted from the residency and electoral requirements of Section 16.98 of the San Francisco Administrative Code. All staff personnel shall under the immediate direction and supervision of the Executive Director.

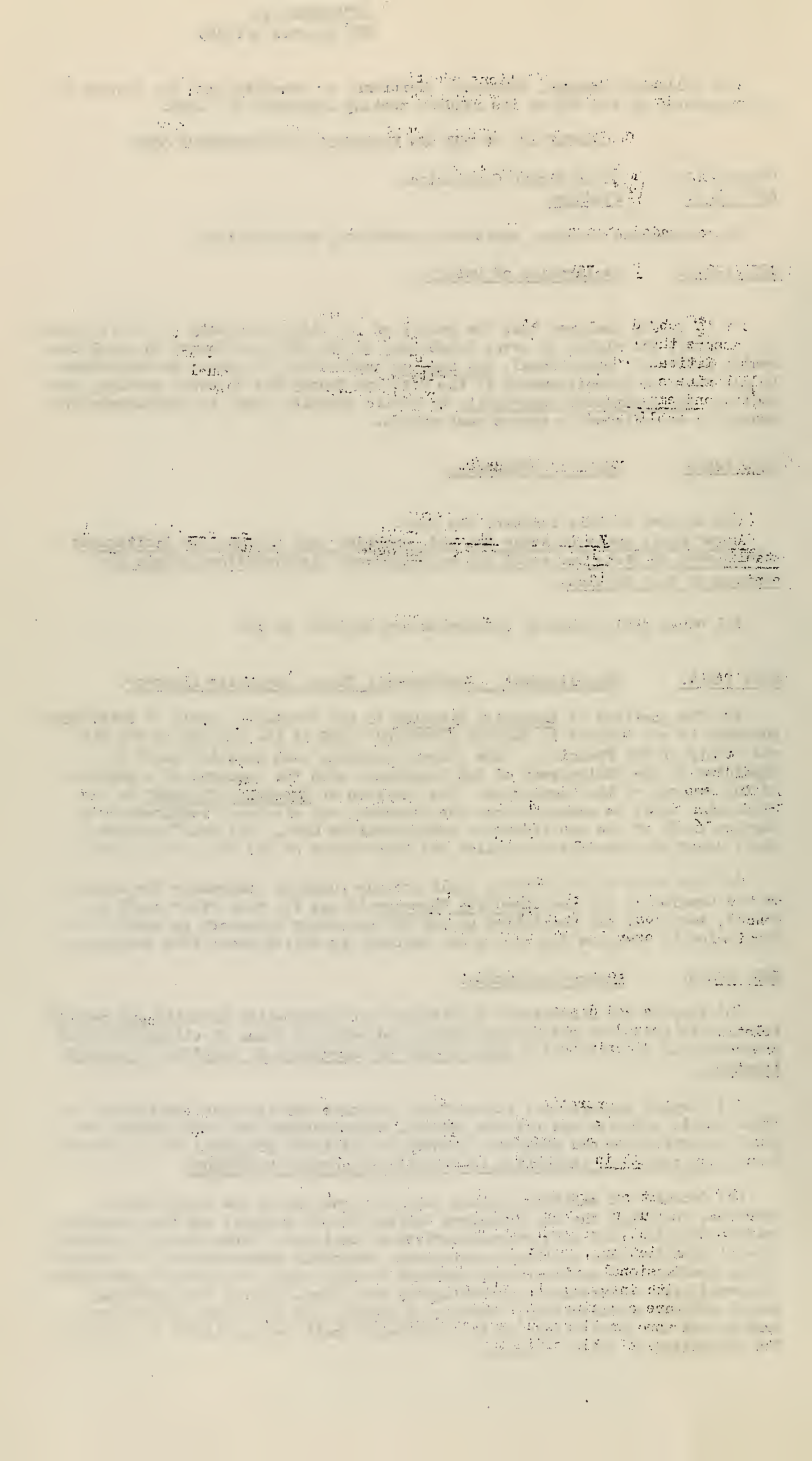
(c) The Board of Supervisors shall provide funds to compensate the members of the Commission and the Executive Director to pay for such other staff personnel, services, and facilities as may be reasonably necessary to enable the Commission to exercise its powers and perform its duties under this ordinance.

SEC. 12A.5. Powers and Duties.

(b) Prepare and disseminate educational and information material and reports relating to prejudice and discrimination and ways and means of eliminating such prejudice and discrimination which result in inequities in benefits or unequal treatment.

(c) Furnish cooperation, information, guidance and technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination which result in inequities in benefits or unequal treatment.

(d) Consult and maintain contact with City and County and other public agencies, including the San Francisco Unified School District and the Community College District, and with representatives of employers, labor union, property owners' associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations concerned with interracial, interreligious and inter-cultural understanding, social welfare organizations, educational groups, and such other private organizations and institutions as the Commission shall deem advisable to further the objectives of this ordinance.



(e) Cooperate with and make written recommendations to City and County and other public agencies, including the San Francisco Unified School District, the Community College District, the San Francisco Housing Authority and the San Francisco Redevelopment Agency, boards and officers towards the development and implementation of programs and practices for the purpose of furthering the objectives of this ordinance. All such requests shall be promptly complied with by the affected agency, board or officer.

SEC. 12A.6. ~~Advisory Council; Special Committees.~~

Standing Committees; Special Committees.

(a) ~~There shall be established a council to be known as the Advisory Council on Human Rights (hereafter called "Council") representative of the following interests or groups; employer, labor, racial, religious, ethnic, housing, appropriate governmental agencies, and such other as the Mayor shall deem advisable. The members of the Council shall be appointed by the Mayor to serve at his pleasure and shall not be subject to the resident requirements of the Charter. The Council shall advise the Commission and shall be authorized to mediate and conciliate, upon specific requests by the Commission and to perform such other functions as shall from time to time be deemed appropriate by the Commission.~~

(a) Standing committees shall be established in the following areas; education, employment, and housing, but are not limited only to those areas. Members of standing committees shall be appointed by the Chairperson of the Commission to serve a one-year term and members can be re-appointed subsequently and shall not be subject to the residence requirements of the Charter. Members shall be selected to ensure broad representation of the area of that committee. Members of the committees shall serve without compensation and all meetings of the committees shall be public.

(b) The Commission may form such special committees as are necessary to assist the Commission in the solution of specific problems within the scope of its responsibilities. The members of such committees shall be appointed by the Chairperson of the Commission and shall serve until discharged by the Chairperson and shall not be subject to the residence requirements of the Charter.

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Sept. 27, 1979

NEXT MEETING: Thursday
Oct. 11, 1979
Commission Room, Third Floor
Main Library, Civic Center

OCT 9 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

NOTE

See under Calendar Matters Section of these Minutes=the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: David Yamakawa (presiding), Vernon Alley, Sister Bernadette Giles, Willie B. Kennedy, Phyllis Lyon, Caryl Mezey, Pius Lee, Donna Solomon, John C. Morrissey.

Excused: Lia Belli, Rabbi Alvin I. Fine, Antonio Grafilo, Dan Silva, Nadim Zarour, Joan Zamora Moulton.

Staff

Present: Grant Mickins, Jack Casford, Don Hesse, Gail Roberts, Mary Gin Starkweather, Essie Thomas.

Pledge of Allegiance

Minutes of the Meeting of September 13, 1979 approved.

COMMUNICATIONS

- From Maurice James, Executive Director, Morrisania West, Inc. Postal Street Academy, requesting assistance in processing personal service contracts through the Civil Service Commission.

- From Phillip Burton, Member of Congress, Sixth District, California, acknowledging the HRC's resolution regarding Indochinese and Nicaraguan refugees in San Francisco.

- From Mayor Dianne Feinstein, a copy of a letter of September 13, 1979 to the Commission on the Status of Women, asking that Dr. Catherine Smallwood be reinstated as the Commission's Coodinator, "while the Human Rights Commission conducts its inquiry." See Director's Report section of these Minutes.

- From John J. Walsh, General Manager, Personnel, Civil Service Commission, a Memorandum sent to all appointment officers, departmental personnel officers, and employees and employee organization representatives, regarding the recommended City plan to implement "promotive entry" under the recent Compliance Agreement between the City and the federal Office of Revenue Sharing.

- From Rudy Nothenberg, Deputy Mayor, Program & Fiscal Affairs, a copy of a Memorandum sent to the Chief Administrative Officer, the Civil Service Commission president, and others, asking that they meet with him on Sept. 27 (the date of this HRC meeting) to discuss implementation of Ordinance

455-79, mandating City officers, boards and commissions to prepare and implement affirmative action plans under the above-cited Compliance Agreement.

DIRECTOR'S REPORT

- Dr. Cathrine Smallwood and the Commission on the Status of Women.

Dr. Smallwood was terminated by a 7-2 vote of the Commission on the Status of Women on September 11. The HRC was asked in a letter from the Mayor of September 11, read at the regular HRC meeting of September 13, to "look into the allegations...and provide an evaluation..."by the Commission's next meeting in October.

Director Mickins read in full from a copy of a September 13 Mayoral letter to the Commission on the Status of Women, calling for Dr. Smallwood's reinstatement as Coordinator "while the Human Rights Commission conducts its enquiry." Mayor Feinstein also asked that the Commission on the Status of Women "take no further action in regard to Dr. Smallwood until the Human Rights Commission makes its findings and submits its report."

Subsequently, and after three new appointees had taken office on the Commission on the Status of Women, it did reinstate Dr. Smallwood as Coordinator.

Director Mickins said he had discussed the HRC's investigation charge from the Mayor with her and that she "is relying very heavily on the HRC for a fair and very thorough investigation, one that touches every facet of the matter." The Mayor, he said, has indicated that she now realizes that such a thorough investigation may take longer than the first Commission on the Status of Women meeting in October as originally ordered. All relevant viewpoints must be presented, she urged.

On September 13, the HRC directed Chairperson Yamakawa to name a special panel of the HRC to investigate with staff if the Director requested. Director Mickins did so request. Those HRC members are Commissioners Yamakawa, Giles, Kennedy, Mezey, and Silva.

Director Mickins acts as staff, assisted by Joseph Meza and Gail Roberts. The HRC jurisdiction comes under Chapter 12A.5. Powers and Duties with specific roles spelled out in Section 15.A. of HRC's Rules & Regulations. An initial packet of written information has been provided each of the panel members. Director Mickins said some former members of the COSW and staff have contacted the HRC about their wish to participate in the offering of information. An interview schedule will be set up by the HRC panel.

- Implementation of the City's Affirmative Action Plan/Compliance Agreement with the Office of Revenue Sharing.

Director Mickins and Chairperson Yamakawa left this HRC meeting to attend the 10 a.m. meeting with Rudy Nothenberg referred to in the Communications section of these Minutes.

The HRC was named specifically as one of the certifying agencies in the Compliance Agreement concluded between the City and the federal Office of Revenue Sharing. From Section 16.9-24 (5) of Ordinance 455-79:

"The method of dissemination of the affirmative action plan. All such

plans shall be prepared in consultation with the Civil Service Commission and the Human Rights Commission in order to provide technical assistance and recommendation on effective steps to achieve equal employment opportunity. Prior to adoption, the Civil Service Commission and the Human Rights Commission also shall approve each affirmative action plan in cooperation with the City Attorney to ensure that compliance is made with all relevant federal, state and local equal opportunity laws or regulations." This is a partial quotation from the cited Section.

Mr. Mickins also referred to John J. Walsh's Memorandum of September 18 also mentioned in the Communications section of these Minutes, attaching "the recommended plan to implement promotive entry," and asking comments and requests to meet and confer or consult.

Reference was made to the enabling ordinance, No 455-79. Mr. Mickins recalled that approximately a year ago the HRC (through Supervisor Carol Ruth Silver) submitted to the Board of Supervisors a proposed ordinance for implementation of affirmative action plans by the City departments. Very little of that ordinance ever was passed, Director Mickins said. Ordinance 455-79, however, contains many of the points that the Civil Service Commission had objected to previously.

- Intergroup Clearinghouse - Black/Jewish Community Tensions.

The second meeting at the Urban Life Center on September 17 of this group, formed at the request of the Mayor to work cooperatively to set up a program to address reported group tensions between various ethnic and religious minorities in the City, particularly the Black and Jewish communities, concentrated on procedures, structure, broader composition of the group, etc. A second meeting will be held October 15, 1979.

- At this point in the meeting Chairperson Yamakawa relinquished the gavel to Vice-Chairperson Solomon and he and Director Mickins left for their 10 a.m. meeting with Deputy Mayor Nothenberg.

- Chairperson Yamakawa was joined by other members of the HRC in extending good wishes to Commissioner John C. Morrissey on his retirement October 1 as Vice-President and General Counsel of Pacific Gas & Electric Co. He will remain active at the HRC, he said.

STANDING COMMITTEES

ORDINANCE REVISION

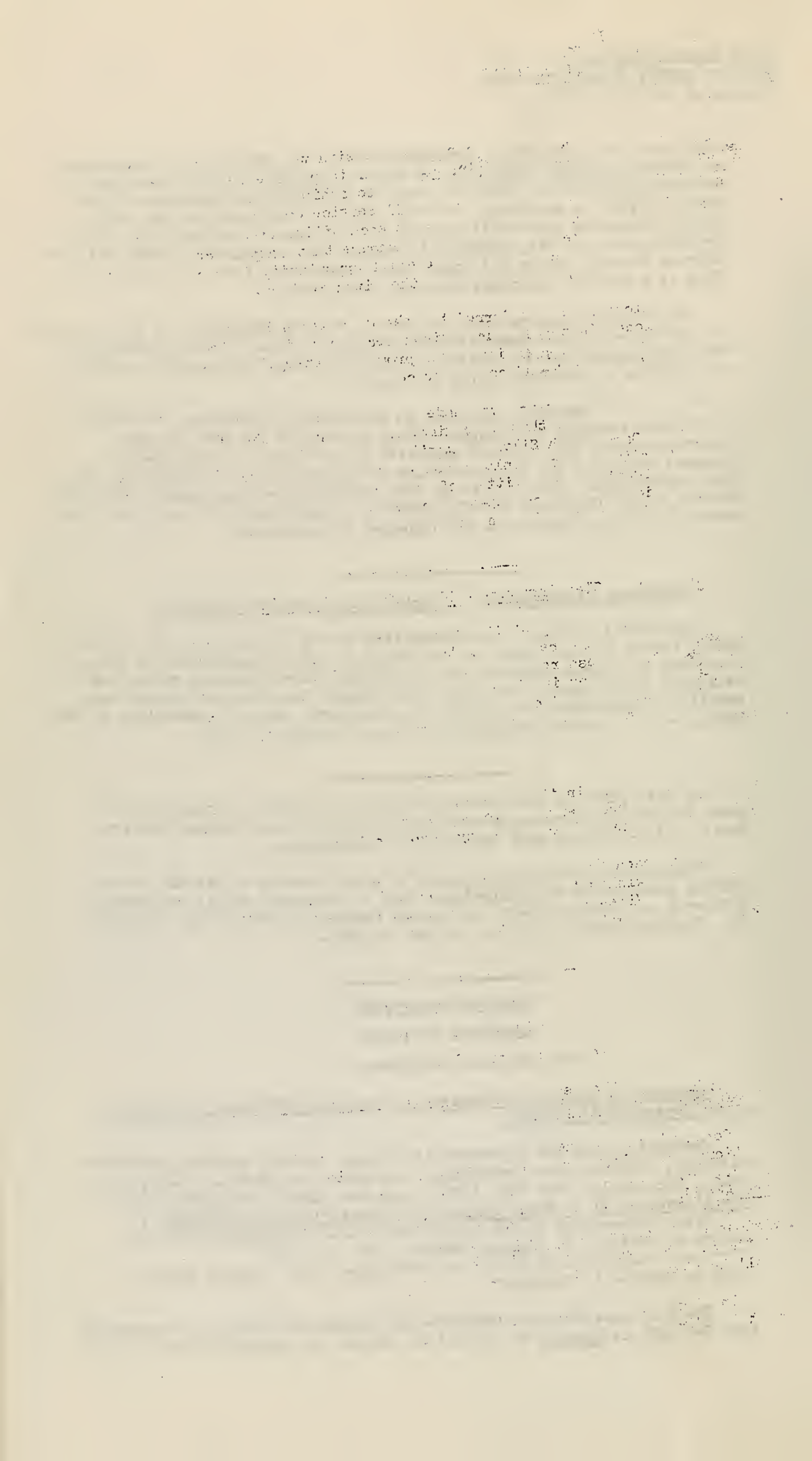
Donna Solomon, Chairperson

- Recommended Changes in Chapters 12A and 12B (continued from action of HRC September 13, 1979).

Continuing from the September 13 actions, the HRC approved additions, deletions, substitutions, rewordings, and additions to Sec. 12A.8., Sec. 12A.9., Sec.12A.11., and Sec. 12B.1., and Sec. 12B.3. of Chapter 12B. (See Attachment #1 to these Minutes for these revisions in detail).

After authorizing the change in Sec 12B.3. Nondiscrimination Provisions of Contract to his/her (adding / her), it was
*****m.s.c that wherever in the HRC ordinances "his" appears alone, it shall be changed to "his/her".

The Ordinance Revision Committee on October 26, 1978, had recommended that Sec 12C. 5. Funding be amended to include the provision that all City



agencies and departments (not just revenue-producing ones) be required to pay a fee to the HRC for its monitoring services. It was suggested informally that for revenue-producing departments this fee be set at 1% of the contract amount, and for nonrevenue-producing departments at 1/2 of 1% of the contract amount. If the amendment were to be made, then Chapter 12A and 12B would have to have a Funding section added, as well.

No action was taken on this item at this meeting.

- Proposed Bill of Rights for San Francisco. (Continued from HRC agenda of September 13, 1979).

Copies of a draft of a proposed Bill of Rights, based on Chapter 12A.2 of the City Administrative Code, and a draft prepared by the HRC Gay Advisory Committee, was provided in advance of the Commissioners.

*****The NRC asked that staff obtain a copy of the Charter Revision Commission's proposed Bill of Rights for comparison with its staff draft and further discussion. Commissioner Giles had several semantic concerns with the proposed HRC draft.

It was noted that "marital status, or other classes," was added to the protected categories in the staff draft. This question, Commissioner Solomon said, would not require Administrative Committee discussion.

The subject of the desirability of the HRC's being changed from an ordinance (City Administrative Code, Chapters 12A, 12B, and 12C) commission to a Charter commission had been discussed by the Ordinance Revision Committee. She said that its position had been, essentially, that the HRC should be mentioned or designated in the City Charter, but that its powers and functions should be spelled out in ordinances. She has participated in a roundtable discussion on on this issue with a committee of the Charter Revision Commission.

*****After discussion on this matter, staff was asked to write for the next HRC meeting (October 11) a formal recommendation for the HRC to consider. The sense of it, based on this discussion would be that the HRC would, with all commissions, want to be established and designated in the City Charter, with its specific powers and duties delineated by ordinances.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Ms. Willie B. Kennedy, Co-Chairperson

- Operation of Youth Programs: Summer Youth Program, Year-Round Youth Program.

Because of the illness of the scheduled speaker on this topic, its presentation was postponed to the October 11, 1979 regular meeting of the HRC.

NEW MATTERS

- Adopt vs. Accept.

Staff and Commissioner Giles researched the meanings of adopt and accept as a followup to discussion at the September 13, 1979 meeting.

Taking Webster's Unabridged Dictionary, Second Edition meanings as follows:

1. Adopt: To take or receive as one's own; to select and take or approve; as, to adopt the view or policy of another; these resolutions were adopted.

   Accept: In a deliberative body, to receive a report, (as from a committee) in acquittance of a duty imposed.

It was

*****m/s/c to consider action on this issue, not previously announced on the HRC agenda for this meeting.

After some discussion, it was

*****m/s/cthat the HRC henceforth will,on motion of its Standing Committee chairpersons, formally accept a committee's report, and formally adopt committee recommendations.

Committees were urged to state specifically in written or verbal reports if they include recommendations.

- Telegraph Hill Neighborhood Association.

Commissioner Lee asked that the Police Liaison/Social Issues Committee consider drafting a formal citation to this organization serving Chinatown and North Beach.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, October 11, 1979, at 9:15 a.m., in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, October 4, 1979, at 9:30 A.M. 870 Market Street, Suite 675.
Gay Advisory	Tuesday, October 2, 1979, at Noon. HRC Offices, Room 509.
Housing & Urban Development	Tuesday, October 2, 1979, 2:00 P.M. HRC Offices, Room 509 Special Meeting for discussion of pros and cons of Proposition O (high-rise limits) and Proposition R (rent control)
Police Liaison/ Social Issues	Wednesday, October 3, 1979, at 4:00 P.M. HRC Offices, Room 509.
Youth & Education	Thursday, October 4, 1979, at 3:00 P.M. 1111 Buchanan Street.

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of October 11, 1979

NEXT MEETING: Thursday
Oct. 25, 1979
Commission Room, Third Floor
Main Library, Civic Center

NOVEMBER meeting are November 8 and November 29 (not 22), the latter because Thanksgiving Day, a holiday is on November 22.
NOTE

See under Calendar Matters Sec. of these Minutes the schedule of the HRC's regular Standing Committee Meetings.

OCT 25 1979

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: Rabbi Alvin I. Fine (presiding); Donna Solomon (to whom Commissioner Fine relinquished the gavel and who presided thereon); Vernon Alley, Lia Belli, Sister Bernadette Giles, Willie B. Kennedy, Antonio Grafilo, Pius Lee, Phyllis Lyon, Joan Zamora Moulton.

Excused: Caryl Mezey, John Morrissey, Dan Silva, David Yamakawa, Nadim Zarour.

Staff: Grant Mickins, Frank Anderson, Jack Casford, Don Hesse, Stanley Lim, Joe Meza, Lydia San Filippo, Essie Thomas, Mary Gin Stark-Weather.

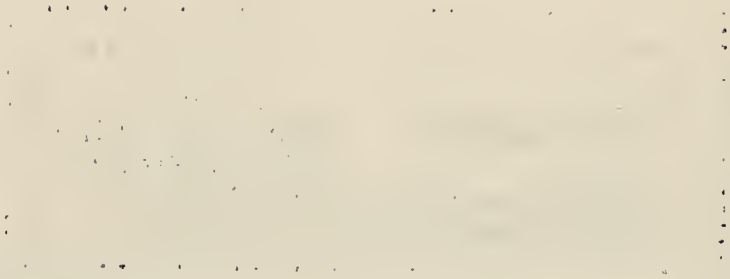
Pledge of Allegiance

Minutes of the Meeting of September 27, 1979 approved.

COMMUNICATIONS

- From Hugh Sheehan, member, HRC Police Liaison/Social Issues Committee, announcing his resignation.

- From Louise Stoll, Manager, Government and Public Affairs, San Francisco Wastewater Program, explaining the selection procedure for consultants on the Lake Merced EIR Project. This letter was read in full. Director Mickins commented that while the HRC has brought about some substantial changes through its jurisdiction and implementation of its rules and regulations, that jurisdiction does not include selection of successful parties. The HRC has urged the Program to choose a minority-owned prime consultant, rather than only sub-consultants as has to date been the minority experience in the Wastewater Program. He said, further, that this letter was in part a reaction by Wastewater Management that



the HRC's stance on minority prime consultant awards had exceeded its authority. He stated that the HRC does feel it a duty to constantly urge that the Wastewater Program move forward towards minority participation in all phases of work, including as prime consultants.

- From Daniel Maranda, Director, Apprenticeship Opportunities Foundation, Inc., inviting Director Mickins as a guest for dinner at the Foundation's annual banquet October 19 at Bimbo's 365 Club.

- From Richard M ass, President, The American Jewish Committee, Institute of Human Relations, inviting Director Mickins to be on the dais October 27 at the Fairmont Hotel at its Executive Council Dinner, part of its National Executive Council meeting October 25-28.

- From Diane C. Duys, Administrative Assistant, International Hospitality Center, expressing appreciation for the planned visit October 11 of 31 members of the Konrad Adenauer Political Observation and Information Seminar to the HRC.

DIRECTOR'S REPORT

- HRC Annual Report for 1978.

Copies of this document, a narrative account for the calendar year 1978, the fourteenth produced by the HRC, were distributed and it is being sent to a wide distribution list, including local government officials and community groups.

Commissioner Fine suggested, and Mr. Mickins agreed, that the next Annual Report cite by name individual members of the various HRC Standing Committees.

- Supplementary Budget Request for Monitoring Office of Revenue Sharing Agreement with the City for Affirmative Action Plan/ Compliance.

Director Mickins read in full his letter to Mayor Dianne Feinstein citing the three functions specified for the HRC under the ORS Agreement:

1. To monitor and certify affirmative action programs of the approximately 58 City and County departments.

2. To serve as a component and member of the complaint hearing panel re: allegations of discrimination; and

3. To assist in giving technical and other aid to City and County departments in drawing up their affirmative action programs.

Director Mickins enclosed a formal Request for Supplemental Appropriation based on his assessment of the amount of staff time and commitment necessary to carry out the above duties. Director Mickins and staff (Frank Anderson) have had two meetings with the Mayor's Office and with the Civil Service Commission, and is currently in the process of negotiating financial support for fulfilling the HRC duties under the ORS Agreement. It is hoped that this will be concluded within 30 days. Director Mickins noted that the ORS Agreement has a number of specific time deadlines for compliance.

- Appeal of Director's Finding of Noncompliance against North Point Pier, Inc. (Pier 39).

The HRC and counsel for the appeallants in this issue previously had set Thursday, December 20, 1979 as the date for the second of these hearings. Subsequently, it has been announced that the City and County of San Francisco and North Point Center, Inc., have reached an agreement in the former (conflict of In-

terest) lawsuit against the latter. The Board of Supervisors' Finance Committee considered the proposed offer of settlement in a special meeting October 10.

The HRC hopes to conclude its appeal hearing with North Point Pier, Inc., but Director Mickins has thus far been unsuccessful in reaching Steven H. Herman, their counsel, to re-set the December 20 hearing date.

STANDING COMMITTEES

ORDINANCE REVISION

Donna Solomon, Chairperson

- HRC Position on Charter vs. Ordinance Status.

The Committee had been asked by the HRC on September 27, 1979 to draft a formal recommendation on a position on the question of the HRC's status as a Charter commission versus the desirability of status as an ordinance commission (as it is now, with its functions and duties spelled out in Chapters 12A, 12B, and 12C of the City Administrative Code).

Commissioner Solomon read in full the following statements:

It is the position of the Human Rights Commission of the City and County of San Francisco that the City Charter should specifically state that there be a Human Rights Commission of the City and County of San Francisco as a permanent part of City government, but that the detailed descriptions of its powers, duties, functions, and responsibilities be contained in ordinances adopted by the Board of supervisors in the form of ordinances part of the City Administrative Code.

*****On motion of Commissioner Fine, it was
m/s/c that the HRC approve the recommended statement from its Ordinance Revision Committee for discussion with the San Francisco Charter Committee.

- Proposed Bill of Rights for San Francisco.

The text as drafted by the Ordinance Revision Committee and including a draft prepared by the HRC's Gay Advisory Committee, was discussed at the HRC's September 27 regular meeting. Staff had been asked to determine if the Charter Commission had a proposed Bill of Rights of its own. Jack Casford learned from the Charter Commission Director, Glen Sparrow, that a subcommittee on the Organization of Government has no such document, but that it has been studying preambles to a number of other city charters for background. Mr. Sparrow said that the committee drafting such a Bill of Rights proposal would most likely not have it completed until the Spring of 1980.

After some discussion and re-wording of the Ordinance Revision Committee draft, it was
*****m/s/c that the HRC adopt the following Proposed Bill of Rights for San Francisco for discussion with the Charter Commission:

It is hereby declared that the policy of the City and County of San Francisco is to ensure the rights of every inhabitant of the City and County of San Francisco to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County to equal service and protection by public agencies; that the Human Rights Commission be empowered to ensure such rights to eliminate prejudice, discrimination, and intergroup tensions because of race, religion, color, an-

cestry, age, sex, sexual orientation, disability, place of birth, marital status, or other classes which, after public hearing and by Board of Supervisors' action, may be added by amendment.

- Commissioner Solomon announced that the HRC Ordinance Revision Committee has now completed its work, which began in 1978. She paid tribute to Commissioner Fine for his original direction of the Committee, and he reciprocated with a tribute to her work as well as the staff assistance of, first, Gail Roberts, and then Jack Casford.

POLICE LIAISON/SOCIAL ISSUES

John Morrissey, Chairperson
Joan Zamora Moulton, Co-Chairperson

- Proposed Letter of Commendation to Telegraph Hill Neighborhood Center.

This action was at the request of Commissioner Pius Lee. The text of the letter, which follows, was provided in advance to members of the HRC.

- Commissioner Giles observed that, while the HRC does not as a matter of policy issue formal commendations to community groups, especially as in this case when no particular anniversary or drive or crisis is part of the subject, it is the multi-ethnic, multiracial import of its neighborhood services that make it among the unique such organizations in the City.

The Letter of Commendation:

The HRC has voted unanimously at its regular meeting of October 11, 1979, to commend The Telegraph Hill Neighborhood Center for its eighty-nine years of successful public service to the people of the North Beach, Chinatown, and Telegraph Hill Communities of San Francisco.

The Center's medical, educational, recreational, and social services to these neighborhoods are celebrated, and in the best tradition of multi-ethnic participation in the life of this City.

May The Telegraph Hill Neighborhood Center press on towards its centenary year with the full support and gratitude of not only its service neighborhood, but all San Franciscans as well.

Sincerely,

David K. Yamakawa Jr.,
Chairperson

Grant S. Mickins,
Director

- Proposed Letter of Endorsement of Disabled People's Civil Rights Day, October 20, 1979.

The text of this endorsement letter, requested by the Organization for Rights of the Disabled, was provided in advance to the HRC and it was

*****m/s/c that it be adopted as follows:

The Human Rights Commission voted unanimously at its regular meeting of October 11, 1979, to formally endorse Disabled People's Civil Rights Day, in San Francisco and nationwide, on Saturday, October 20, 1979.

The HRC's commitment to the human rights of the disabled dates back a number of years, and it is proud that it early amended its ordinances to include the category of "disabled" among those protected against discrimination in the City.

The HRC's Policy Statement Regarding the Physically Disabled was passed in November of 1975.

We feel it highly appropriate that San Francisco should witness the march and rally here, that will culminate at the Federal Building in United Nations Plaza on Market Street on October 20 to publicize and dramatize the need for a unified effort of disabled people and others to secure and extend full human rights for all disabled people in this country.

Sincerely,

David K. Yamakawa Jr.,
Chairperson

Grant S. Mickins,
Director

- Liaison with Employment Committee.

Commissioner Moulton asked that the Committee be kept informed by the Employment Committee of developments in the field of recruitment of minorities for police employment.

EMPLOYMENT
Vernon Alley, Chairperson
Caryl Mezey, Co-Chairperson

- Affirmative Action Presentations.

Eva Jefferson Paterson, an attorney with the San Francisco Lawyer's Committee for Urban Affairs, made a three-part, detailed presentation, concentrating on: the historical background for the development of the concept of affirmative action; some landmark cases in affirmative action; and the challenge to the HRC and similar agencies to implement affirmative action.

Ms. Paterson had provided the text of a statement she co-authored for the Board of Directors of the American Civil Liberties Union of Northern California to each member of the HRC.

Ms. Paterson discussed in some detail of the Bakke vs. the Regents of the University of California decision by the U.S. Supreme Court ("reverse discrimination" in admission to the UC Medical School at Davis), and United Steel Workers of America vs. Weber (the issue of the permissibility of an affirmative action program adopted voluntarily by an employer).

The California cases cited by Ms. Paterson in her discussion included Price vs. Civil Service Commission of Sacramento County (resistance by the Sacramento District Attorney's Office to a minority hiring ratio imposed by the Sacramento Civil Service Commission pursuant to a county rule mandating preferential hiring to rectify past discriminatory employment practices).

Hiatt v. City of Berkeley (challenge by Caucasian firefighters to an affirmative action plan voluntarily adopted by Berkeley to achieve a goal of "proportional representation" in all city jobs); and
Hull v. Cason (reversal on appeal of a suit challenging reversal of an affirmative action plan ordered by a state trial court against the Oakland Fire Department after the court found the department guilty of past discrimination).

Ms. Paterson urged that the HRC;
1. Expand its role in bringing disparite opinions on affirmative action together for mutual understanding.

2. As individuals, be aware of workforce inequities in both the private and public sectors.

3. Work to bring about "the day when affirmative action is unnecessary".
Bruce Nelson, attorney, of the firm of Morrison and Foerster, said that for twelve years he has been representing private employers in the field of affirmative action. His presentation was two-part: an overview of the status of affirmative action in the private sector along with its view of what is happening in the public sector; and what it means to the HRC.

Mr. Nelson said that affirmative action is "booming" in the private sector, largely because any business in this country doing business as a prime or sub-contractor with the federal government is required to comply with Federal Executive Order 246. This order also has "not been always agressively enforced" by every federal agency, Mr. Nelson said, and he cited the number of lawsuits brought to require such enforcement.

In October of 1978, under a reorganization ordered by the Carter administration, the power of enforcement was taken from the individual agencies (General Services Administration Departments of the Interior and the Treasury, for example), and placed with the Office of Federal Contract Compliance Progran (OFCCP) in the Department of Labor. Mr. Nelson noted that the new manual of procedure has been issued this month by OFCCP, spelling out the analyses of workforces, the setting of affirmative action guidelines, the required community contacts, etc.

Mr. Nelson also referred to the Weber case that Ms. Paterson had discussed in her presentation. He described it as one in a series of decisions affecting the rights of unions and employers to set up their own affirmative action programs.

Mr. Nelson said that in the private business sector currently there is:

- far greater emphasis on affirmative action than ever before.

- far heavier enforcement effort than ever seen in a lot more interest groups.

In his discussion of the public sector and affirmative action, he said he had worked with the City Attorney's office in the recent federal Office of Revenue Sharing Compliance Agreement. He said that in the public sector generally he has found substantial lack

of sophistication about affirmative action and the least knowledge about what the law requires. He said that major public sector employers have been on the receiving end of enforcement lawsuits. He said that his private sector clients ask him why they should be required to comply with federal guidelines when the public sector itself is not complying.

Mr. Nelson urged that the HRC concentrate its limited resources on where affirmative action in the private and public sector is lagging and "not doing the job".

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Willie B. Kennedy, Co-Chairperson

- Mayor's Youth Service Office Program.

James C. Whelly, Supervisor, Youth Advisors, Mayor's Youth Service Office, made a presentation.

The MYSO was formed by the late Mayor Moscone in February of 1978. It is funded under the Youth Employment Demonstration Project of the U.S. Department of Labor's Comprehensive Employment Training Act (CETA) for $2.8 million in the 1979-1980 fiscal year which began Octoberl.

This is the third fiscal year the program has been operating in the City The main work of the Program is on youth unemployment, particularly that for minority and disadvantaged youth, whose unemployment statistics of 40 to 45% Whelley said he felt were actually conservative. He noted that many youth in the upper teens (18, 19, and 20) have given up being able to find fulltime work, and he said some of the backlash is open civil violence, the deterioriation of the public schools, and the lack of what he called youth input into society".

In the first year of the Program operation, 1,000 client/ youth were served. In its second year, 3,370 were served.

The HRC is represented (by Director Mickins) on the Employment Training Council, which hears proposal requests from the community. Twenty sub-contracts were funded by the Council in fiscal 1979-1980 for community agencies and private institutions. Some grantees and their program services were:

- Academy of Welders--training of youths to be certified welders, with commitments for jobs when training is completed.

- Asian Neighborhood Design---community conservation improvement projects, supply labor for carpentry and painting, working with nonprofit agencies.

- Bay Area Urban League---job development work, providing 50% salaries for on-the job training.

- Chinese Youth Service Program---work experience program for in-school potential drop-outs or problems on the condition they remain in school. Other agencies included Community Urbanized American Indians Community Educational Services (work with Southeast Asian refugee resettlement and cultural adjustment with language and job training); Friends Outside (work with youth ex-offenders); Horizons Unlimited; Morrisania West (vocational training in clerical and bookkeeping skills); one union contract, with the Painter's

Joint Apprenticeship Committee and the West Bay Filipino Multi-Service Corporation (work experience program in the schools).

Remedial or basic educational program components are stressed in nearly all the programs. Mr. Whelly said about 10% of the youth tested in the MYSO have a third-grade-level reading test record.

Mr. Whelly estimated that approximately 1,900 youths would be benefited by these programs during this fiscal year.

Mr. Whelly urged that the HRC help build community support for legislative programs, including those proposed by Senator Edward Kennedy and U.S. Representative Augustus Hawkins.

Commissioner Giles commented that it was encouraging to hear from Mr. Whelly of the large number of youth-serving program in the City as contrasted with the lack of them a few years ago. She praised the Mayor's Office programs for attempting to provide equal opportunity for employment, something the HRC has been championing since its founding.

- Letter to Mayor Feinstein Regarding School Strike:

This letter, approved in content by the Youth & Education Committee, was proposed for adoption and transmission to Mayor Dianne Feinstein.
It was read in full and it was
*****m/s/c that it be adopted and sent to Mayor Feinstein, as follows:

October 11, 1979

Honorable Dianne Feinstein
Mayor
City and County of San Francisco
City Hall, Room 200
San Francisco, California 94102

Dear Mayor Feinstein:

There are times in the history of a community when voices must be raised in defense of both parties to a struggle for what each considers its basic human rights. At such times of crisis in San Francisco, it is imperative that the Human Rights Commission of the City speak out on behalf of both contending parties and plead for a resolution of those differences which keep them apart. On the one hand, in the current teachers' strike, we have the rights of teachers to a wage increase to match a spiralling cost of living, to job security commensurate with their professional training and experience, and to conditions of employment which are most conducive to their own morale and to the well-being of the children whom they teach. On the other hand, we have the rights of a school administration to determine the limits of its spending power and the constraints within which it can best provide for both students and teachers. Caught between the two contending parties are the children of the City who have the right to a quality education in a safe and wholesome environment under the direction of teachers qualified in their respective curriculum areas for at least the

minimum number of days required by state law.

The Human Rights Commission urges all parties involved in the current strike to work towards a speedy resolution of their present impasse. The Commission recognizes that concessions will have to be made on both sodes, but it is only by mutual compromise that the best interests of both teachers and students will be served. Teachers need students; students need teachers. The HRC has faith in the good will of those negotiators who represent both sides in the struggle to arrive at a balanced and reasonable solution to a crisis which can only worsen as time goes on and which could threaten the future of public education in our City.

Sincerely,

David K. Yamakawa Jr.,
Chairperson, Human
Rights Commission

cc: Mr. Robert Alioto, Superintendent, SFUSD
Mr. James E. Ballard, President, San Francisco Federation of Teachers.
Mr. Peter Mezey, President, Board of Education.

- Proposed Resolution of Commendation to Isadore Pivnick.

Commissioner Giles read this Proposed Resolution of Commendation to Isadore Pivnick on His Retirement from the San Francisco Unified School District, and it was *****m/s/c that it be adopted. The full text is attached to these Minutes.

- Recommended HRC Position on Proposition 1 (one).

After hearing arguments by both propoents of this November state ballot measure, called the "School Pupils: - Transportation", amendment to the state constitution, the Committee voted to recommend that the HRC oppose it. Commissioner Giles stated on behalf of the Committee that although Proposition 1 purports to bring California law regarding school desegregation into conformity with the U.S. Supreme Court's decision, it is perceived by the general public to be an anti-busing proposal.

Because anti-busing can be interpreted as anti-desegregation (of public schools), Commissioner Giles said, in view of the historic stance of the HRC on this issue (consistent support of busing as a means of public school desegregation), the Committee urged adoption of a position opposing passage of Proposition 1.

There followed considerable Commissioner discussion. Commissioner Giles discussed the recent U.S. Supreme Court decision regarding local laws in Ohio preventing the use of busing to end racial segregation in public schools. Commissioner Solomon characterized opposition to Proposition 1 as "integral to the HRC's purpose for being". Commissioners Moulton and Grafilo, on the other hand, counseled that the HRC postpone taking any stand

on the measure in order to obtain more information about it.

Commissioner Kennedy commented that the Committee had had difficulty in finding a proponent for Proposition 1 in its investigation.

Commissioner Lee said he felt that this was a poor time for the HRC to be taking a position of opposition. Commissioner Lyon stated that the Proposition is seen as anti-desegregation, and that since the HRC had a historical precedent in its own actions over many years as supporting efforts to end racial segregation in public education, that its opposition to Proposition1 was appropriate.

It was
*****m/s/c that the HRC officially oppose Proposition 1 on the November ballot.

There were three No votes. Commissioner Grafilo and Lee asked that their No votes be recorded in these Minutes.

- Special Education Teachers-Letter to Dr. Alioto.

Commissioner Giles read in full a letter addressed to Superintendent ofSchools Robert Alioto, urging that "all teachers of students in special education classes (those children with physical, emotional or mental handicaps) be fully credentialed and not selected from the rank of those teachers who have only emergency credentials".

It was
*****m/s/c that the HRC adopt the recommended letter and send it to Dr. Alioto. The full text is attached to these Minutes.

NEW MATTERS

- Absenteeism Among Standing Committee Members.

Commissioner Lee suggested that members of the Housing and Urban Development Committee who fail to attend its scheduled and announced meetings be notified that their active participation is required for continued membership.

- Commissioner Lia Belli.

The Commissioner has been appointed as a regular member of the Police Liaison/Social Issues Committee.

- Hearings at the HRC Re: Dr. Catherine Smallwood/Commission on the Status of Women.

The HRC continuing its hearings of those who wish to give testimony in the termination of Dr. Smallwood, the Commission on the Status of Women's Coordinator, prior to her subsequent reinstatement after three new appointtees had taken office, and Mayor Feinstein's charge to the HRC to study the incident thoroughly and report to her and the Commission on the Status of Women.

The second day-long hearing at the HRC has been held and three more are scheduled through October. Director Mickins urged that if anyone having direct knowledge wishes to speak, they contact the HRC office (Joseph Meza) to schedule an interview.

An extension of the HRC reporting time from October 9th to November 13th has been requested of the Mayor.

The HRC report will go directly to Mayor Feinstein and the Commission on the Status of Women. Results may thereafter be available to the full HRC, the Director said.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, Oct. 25, 1979, at 9:15 A.M. in the Third Floor Commission Room of the Main Library in the Civic Center. Note that the second meeting in November has been moved from November 22 (Thanksgiving Day) to November 29.

STANDING COMMITTEES

Employment	Thursday, November 1, 1979 at 9:30 A.M., 870 Market St. #675.
Gay Advisory	Tuesday, November 6, 1979, at Noon HRC Offices, Room 509.
Housing & Urban Development	Tuesday November 6, 1979, at 2:00 P.M., HRC Offices - Room 509.
Police Liaison/Social Issues	Wednesday, November 14, 1979 at 2:00 P.M., Room 509.
Youth & Education	Thursday, November 1, 1979, at 3:00 P.M., 1111 Buchanan Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted

Grant S. Mickin III
via Jack Casford

GSM/JC/ew

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street, Suite 501
San Francisco, CA 94103
558-4901

Attachment #1

RESOLUTION OF COMMENDATION TO ISADORE PIVNICK ON HIS RETIREMENT FROM THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT

WHEREAS, Isadore Pivnick has served the public schools of San Francisco for the past thirty-two years; and

WHEREAS, this long career of Mr. Pivnick in public service has been distinguished by a dedicated commitment to public education; and

WHEREAS, the professional career of Mr. Pivnick has encompassed a wide range of educational activities - classroom teacher, school administrator, community facilitator; and

WHEREAS, Mr. Pivnick has always been sensitive to the needs of all children of the community; and

WHEREAS, this response to the needs of youth called forth from Mr. Pivnick a creative response to changing patterns in education during the past twenty years when civil rights legislation opened up new horizons for the education of poor children in our society; and

WHEREAS, Mr. Pivnick in his dealings with people of all races, creeds, and ethnic backgrounds in the community has recognized their human dignity and basic human rights; and

WHEREAS, Mr. Pivnick expressed this recognition in a singularly kind, tolerant, and amiable attitude towards all people;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission of San Francisco commend Mr. Isadore Pivnick for the great contribution he has made towards improving the quality of life, through education, for the citizens of San Francisco; and

BE IT FURTHER RESOLVED, that the Human Rights Commission of San Francisco congratulate Mr. Isadore Pivnick on his retirement, and wish him well during the years which lie ahead.

Resolution 14-79
Adopted by HRC 10/11/79

gm

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 Market Street
Suite 501
San Francisco, California 94103

Attachment #2

Dr. Robert Alioto
Superintendent of Schools
S.F. Unified School District
135 Van Ness Avenue
San Francisco, California 94102

Dear Dr. Alioto:

The Human Rights Commission of San Francisco commends the Board of Education for its enlightened concern for the needs of children with physical, emotional or mental handicaps and recommends a continuing program of quality education for these children.

It appears to the Commission that the interests of children in special education classes can best be served by experienced teachers who voluntarily accept transfers to these classes.

The Human Rights Commission, therefore, upon the recommendation of the Youth and Education Committee, urges that all teachers of students in special education classes be fully credentialed and not selected from the ranks of those teachers who have only emergency credentials. It further recommend that only those teachers who concur in a transfer to special education classes be assigned to them.

Yours sincerely,

David K. Yamakawa Jr.
Chairperson
Human Rights Commission

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Oct. 25, 1979

NEXT MEETING: Thursday, Nov. 8, 1979
Commission Room, Third Floor
Main Library, Civic Center

NOTE.....

See under Calendar Matters Section of these Minutes the schedule of the HRC's regular Standing Committee Meetings.

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ROLL CALL

Commissioners Present: Donna Solomon, (presiding), Sister Bernadette Giles, Willie B. Kennedy, Pius Lee, Phyllis Lyon, Caryl Mezey, John Morrissey, Joan Zamora Moulton .

Excused: Vernon Alley, Rabbi Alvin I. Fine, Antonio Grafilo, Dan Silva, David Yamakawa, Nadim Zarour, Lia Belli.

Staff: Grant Mickins, Lloyd Cowan, Lionel Harden, Don Hesse, Stanley Lim, Joe Meza, Vicky Rathbone, Essie Thomas, Mary Gin Starkweather.

Pledge of Allegiance

Minutes of the Meeting of October 11, 1979, approved.

COMMUNICATIONS

- From: Art Agnos, Assemblyman, 16th District, reporting on the post Proposition 13 status of certain state agencies.

- From: David Steward, President, California Association of HRC's-A copy of a letter to President Jimmy Carter protesting the appointment of Ruben Askew as chief trade negotiator.

- From: Edward Broome, Executive Director, Sickle Cell Research and Education Inc., requesting to become a member of Inter-Group Clearing House.

- From: David A. Garcia, Executive and Legal Affairs Secretary of the California FEPC, submitting a legal opinion in re: affects of labor code Section 1431 on City contracts. Director Mickins commented that he had requested this opinion after several City contractors claimed that under this section of the labor code, HRC's authority to implement affirmative action programs had been pre-empted by State and Federal Laws. However, the requested opinion stated that a company's approved federal affirmative action program only constituted prima facie evidence of compliance with local laws. The burden of proof rests with the local agency to prove that the federal program is not responsive to local regulations. This is often the

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case, due to the different composition of the workforce and population in different areas of the country.

- From: AFT - teachers on picket duty at Filipino Education Center, submitting a packet of correspondance in response to a Filipino Community Complaint. Director Mickins commented that a group of Filipino parents had protested alleged violence on the picket line as presenting a poor role model for their children. Such behavior was contrary to Filipino childrens image of school teachers prevalent in their home country. The matter was solved by the end of the school strike.

- From Art Agnos, Assemblyman, 16th District, reporting on City's Housing crisis and seeking moratorium against conversions.

- From Larry Meredith, PH.D., Program Chief, Community Substance Abuse Services, announcing a media access work-shop for all health providers.

- From Wilson Chang, Chairperson, Charter Revision Commission, inviting Director Mickins to a round-table discussion on the minority perspective of the Charter revision effort.

DIRECTOR'S REPORT

- Legislation Introduced by the Board of Supervisors, Amending Chapters 12B and 12C of the Administrative Code.

The proposed ammendments are in response to requests from a group of disabled people seeking increased affirmative action efforts for the handicapped. Introduced by Supervisor Silver, on behalf of Supervisor Britt, the matter was referred to the governmental services committee of the Board of Supervisors. The HRC's Administrative Committee will study the legislation to determine its impact.

- Inter-Group Clearing House.

At the request of the Mayor, the HRC formed a committee to study possible inter-group tensions between the Jewish and Black Communities. The committee has now instructed Director Mickins to draft a report for the Mayor summarizing their discussions and conclusions. While there does not appear to be serious tensions between the Jewish and Black Communities in San Francisco, the undercurrent of misunderstanding is often present. The Committee also recognised other areas of potential discord, such as, between Gays and Hispanics. An Inter-Group Clearing House Model will be developed (either internal or external to the Commission), to provide a long term basis for dealing with such problems in the future.

- Impact of Pier 39 Settlement on HRC's Complaint of Non-Complinace against North Point Pier Inc.

In response to a question by Commissioner Morrissey, Director Mickins reported that the City's settlement with Pier 39 does not affect the status of HRC's non-compliance proceedings against the company, which will proceed as scheduled. Negotiations for the settlement took place at such a level involving the Superior Court and parties that HRC staff was unable to develop a specific program for complinace with the City and County's affirmative action requirements, within the time frame set for settlement. However, an updated version of the ordinance authorizing HRC to implement those requirements was submitted to the City Attorney's Office to be included as a part of the settlement.

STANDING COMMITTEES

EMPLOYMENT COMMITTEE

Vernon Alley, Chairperson
Caryl Mezey, Co-Chairperson

- Affirmative Action Progress Report on Employment in City-Funded Construction Contracts as of May 31, 1979, from Stanley K. Lim, Contract Compliance Officer and Lionel Harden, Contract Compliance Specialist.

Mr. Lim opened by stating that this is the HRC's 15th report on the employment status of minorities and women in City funded construction contracts. The first report was given in 1970.

Data used in the survey were based on reports from 22 general contractors and 250 subcontractors. Although the number of contracts was smaller than last year (22 compared to 30 in the February 1978 report) the total dollar value was much higher; $290 million as against 235 million last year.

Ethnic Breakdown of Construction Workforce.

By ethnic breakdown, the workforce in all trades, based on total hours as expressed in percentages was as follows: White, 50.5%; Hispanic, 16.7%; Black, 28.0%; American Indian, 2.2%; Chinese, 1.1%; Japanese, 0.5%; Filipino, 0.6% and Pacific Islanders o.4%. Minority participation is 49.5% or 832 out of 1658 persons. Included in the total employed were 14 women construction workers, five of them minorities.

Going back over the last four years, the 49.5% overall minority representation was the highest of any in the four previous years. As a group, Blacks registered the sharpest gain from 18.8% in 1978 to 28.0% in 1979. Hispanics and Filipinos also showed slight increases; however, Whites, American Indians, Chinese, and Japanese all decreased somewhat in participation. The increase in Black employment may be attributed to several large contracts under construction in the Bayview-Hunters Point area where residency is a factor in our affirmative action requirements.

Minority Employment by Trade.

Analysis on a craft by craft basis indicates that the highest minority employment is found in the non-mechanical trades such as, carpenter (43%), or cement mason (63%). The percentage of minority workers is lower in the mechanical trades such as, sheet metal worker (12%), electrical worker (25%), or sprinkler fitter (14%).

Following is a detailed analysis of trades with at least six persons employed during May. The following trades exceeded the HRC goals: carpenter, 43%; cement mason, 63%; drywall installer, 100%; elevator constructor, 47%; and iron worker, 48%. In the non-craft categories: teamster, 54%, laborer foreman, 60%; and laborer, 86%.

Crafts with minority representation falling within the acceptable goal ranges include: asbestos worker, 44%; operating engineers, 38%; pile driver and plumber, 30% each. Trades showing minority utilization below acceptable levels were: electrical worker, 25%; lather and plasterer, 31%, and 22%, respectively; painter, 34%; sheet metal worker, 12%; and sprinkler fitter, 14%.

When compared to the previous report, the major trades showing substantial improvements in minority employment were elevator constructor and operating engineer; the former increased by 26% and the latter by 6%.

High Status Jobs.

By examining the craft classifications (levels of competence), minority groups still have a long way to reach the top, e.g. foreman or general foreman. In the skilled trades (not counting laborers), minority foremen were proportionately small; they comprised only 20% of the total foreman hours as against 40% of the journeyman hours and 55% of apprenticeship hours. This means that most minority workers were not able to reach the higher status jobs. Whether discrimination is the cause remains to be explored.

Women in Construction.

Women employed by City contractors were still small in number. Part of the problem as cited in earlier reports, has been contractors' negative attitude towards hiring them as construction workers. In this report, 14 women, 11 of them apprentices, were working in the various trades (not counting field office personnel), surpassing the previous high of seven. The trades they participate in are gradually expanding. They can be found as carpenter, cement mason, electrical worker, lather pile driver, plumber and laborer.

Apprenticeship.

Minority apprenticeship in the current report is formidable but not the highest in the last four years--54.5% compared to 61.5% in 1978, for example. The number of minority apprentices, however, is significantly higher than any other year, now with 99 out of 177. Women apprentices accounted for 5.9% or 11 of the placements, the highest ever but still below the HRC goal.

This survey of apprentices in City contracts further confirms a long-standing fact: San Francisco as a county has a continous history of being among the highest in minority apprentices registration in the state. In the May issue of Ethnic Count of California Registered Apprentices published by the State Division of Apprenticeship Standards (DAS), San Francisco ranked as one of top two counties with the highest minority registration.

To assist contractors to meet the HRC apprenticeship requirements--a minimum goal of 50% minority, 15% women and the DAS five-to-one journeymen to apprentice ratio--the HRC has enlisted the assistance of four out-reach service agencies operating in the City. These are: the Apprenticeship Opportunities Foundation and Women in Apprenticeship for City-wide contracts; Bayview-Hunters Point Affirmative Action Program for contracts in the Bayview-Hunters Point area; and, as the Moscone Convention Center project begins construction, the San Francisco Coalition. These' groups have been instrumental in placing many apprentices in contracts monitored.

Minority Employment by City Departments.

An analysis of the contracts awarded by each department gives the following results:

Department of Public Works: The seven active contracts in the Department of Public Works represent probably the lowest number of contracts under construction for the department in recent years. This may be due to the transfer of the Wastewater contracts to a separate unit and the curtailment of construction activities in the post-Proposition 13 era. The number of construction workers recorded in May 1979 is the lowest of all other major awarding departments, only 281 in all. Of the total, 168 or 48.6% were minority and four women workers.

Wastewater Program: The Wastewater Program had 11 active contracts totaling $181 million at the time this report was made It is by far the largest group of contracts come under a single City unit or program and it will continue to be the largest awarder of any City department for the next five or six years. These contracts also produced the greatest share of the City construction jobs--896 workers were employed during May by 11 general contractors and more than 100 subcontractors. Minority workers accounted for 496 or 54.7%, which is the highest in percentage and in number, with Blacks representing the single largest minority group participation with 33.2%. There were also 8 women working under the various Wastewater contractors.

Airports Commission: The Airports Commission had four active contracts worth over $67 million with several waiting to start. However, minority participation in these contracts was lower than other departments in this survey, only 39.7%. One of the reasons for the lower minority participation is that several of the key trades having jurisdiction over Airport jobs are located in San Mateo County: the carpenters, electrical and sheet metal workers unions, for example. Referral of minority workers has been a problem for a number of years because of the lower minority membership in the San Mateo locals. Some contractors used this as an excuse for their inability to recruit minorities. As a result, more complaints of noncompliance have been filed against Airport contractors.

Bayview-Hunters Point Resident Employment: Four of the Wastewater contracts had been awarded with the Bayview-Hunters Point Memorandum of Agreement incorporated as the affirmative action requirements. The Agreement, intended to enhance employment of residents in government contracts, expired on November 25, 1978 and the "contracting parties"--the Associated General Contractors of California, the Building Trades Council and the Bayview-Hunters Point community--had negotiated a new agreement shortly thereafter although it still has not been signed. In the meantime, some contractors in certain crafts have been reluctant to exert much effort to meet the intended residency goal of 50%. In the four contracts mentioned above, the average resident participation was only 33.2% of the total hours. The new, and as yet unsigned Agreement features lower goals based on the unemployment rate in the community, which may be in itself hard to determine. HRC had little input in the negotiations for the new Agreement.

Public Utilities Commission.

Ms. Alberta Grant, formerly of HRC and now a PUC contract compliance officer representing George Newkirk, reported that PUC had monitored eleven construction contracts over $150,000 each. Ms. Grant noted that minority employment was highest among the laborers. She stated that the highly specialized nature of many PUC contracts accounted for low minority representation in other trades. As an example, she explained that

work on overhead lines accounted for the large number of electrical workers. As the work is highly specialized, there is a consequent scarcity of journypersons. At present, PUC staff is working with the union and the major electrical contractors to develop an apprenticeship program.
m/s/c that Mr. Lim's and Mr. Harden's report be accepted.

HOUSING AND URBAN DEVELOPMENT

Pius Lee, Chairperson
Antonio Grafilo, Co-Chairperson

Committee Report on Propositions "O" and "R" from Don Hesse, Housing Representative.

As requested by the Commission, the Housing and Urban Development Committee took testimony and reviewed information on Proposition 'O',the Highrise Limitation Initiative, and Proposition 'R', the Comprehensive Housing Initiative, both of which are on the November ballot.

Since the request to the Commission was for information, no position was taken on either measure.

Mr. Hesse reported that the Committee received testimony both for and against both measures. His report attempted to isolate policy and factual arguments, avoiding the emotional issues with which both initiatives are so highly charged. He made a distinction between a ballot measure's stated goal and what its unstated results will be if it is passed. He pointed out that it is the discussion of these 'unknowns' that often influence the way people eventually vote.

Proposition "O"

In the case of Proposition "O", Mr. Hesse stated that its only known and certain effect would be to limit San Francisco buildings to twenty stories. Its other potential consequences are unknown. Proponents of the measure argue that:

- "highrise economy" is driving low and moderate income people out of the city by displacing blue collar jobs and increasing pressure on the housing supply.

- highrises attract commuters which increases traffic problems.

- highrises do not pay for their fair share of city services or at least pay less than they use compared to homeowners.

- without the initiative, highrise development will add 100,000 new jobs by the year 2000 (of which only 14% will go to San Franciscans) and cause an additional 30,000 additional cars a day to come into the city.

- passage of the initiative will reduce the pressure on the city's housing stock, as well as encourage the construction of new housing downtown.

- highrise are wasteful of energy both in themselves and in terms of commuting.

- there are 137 sites available for development under the highrise initiative which would provide ample opportunity for growth between now and the year 2000.
-
- 440 construction jobs would be lost; however, residential building would be encouraged under the initiative and that is more labor intensive so lost jobs will be compensated for.

Opponents of the measure disagree with all these arguments, claiming that:

- effect of initiative will be to stop growth in the city, cost over 100,000 new jobs, and cost the city millions of dollars in property taxes.

- it is bad public policy to enact planning legislation by initiative; it should be done by professional planners.

- at least 18,500 new jobs for San Franciscans will be created downtown if the initiative does not pass. At present, 54% of clerical jobs in downtown San Francisco are held by San Franciscans.

- loss of construction jobs will fall disproportionately on minorities and women, who are only beginning to make inroads into the trades.

- of the most common public services, Muni is mostly federally funded, and the police and fire services are rarely used in the downtown area.

- highrises account for more than 50 percent of the city's tax revenues and presently accupy less than 1 percent of the city's total area.

- height limits encourage buildings which are more dense and more uniform with less open space and form.

Evaluation of the effects of the initiative's passage in light of the HRC's obligation to increase housing and employment opportunities for minorities and decrease community tensions is not easy. For example, both sides agree that there will be a reduction of highrise construction jobs: proponents claim that it is a number in the hundreds which will be offset by increased housing construction; opponents claim that it is a number in the thousands. In addition, both sides agree that the measure would result in the loss of 100,000 downtown highrise economy jobs and they further agree that only about 16% of these jobs go to San Franciscans. However, proponents of the measure claim that the 84% of workers that commute merely increase traffic congestion and make free use of city services. In this context, a loss of jobs is seen as an asset to the city. Opponents of the measure see the creation of jobs in itself as a good.

Finally, althrough the Ordinance is meant to encourage more housing in downtown area similar to the Fox Plaza Building; opponents claim that such housing would be affordable only to the very wealthy.

Proposition "R"

Mr. Hesse went on to report on Proposition "R". He pointed out that the measure is long and detailed because the authors wanted to minimize the "unknown" effects of its passage. Mr. Hesse also emphasized that the initiative is a comprehensive housing measure, although primary emphasis is laid on its provisions for rental units.

A comparason of the present Rent Control Board and the provisions of Proposition "R" reveal substantive differences:

- Proposition "R" provides for an elected eleven member Board from each supervisorial district. The present system has a five member board, appointed by the mayor, which must consist of two tenants, two landlords and a member at large. Opponents claim that this balanced representation could not be guaranteed by an elected board.

- Proposition "R" provides that all of the approximately 2000 rental units in the city must register at a cost of up to $5.00 per unit. Under the present system, the Board has no jurisdiction over tenants or landlords until either party requests Board intervention in their dispute. Opponents claim that passage of the initiative would involve the creation of a substantial burocracy.

- Under the current Rent Control Board, a landlord may raise the rents when a rental unit is vacated and a new tenant moves in. Proposition "R" would not permit these rent increases which proponents of the measure claim have substantially increased the number of evictions.

- The present system allows the landlord to raise the rent by any amount while the tenant may go to the Rent Control Board to appeal the increase.

If the increase demanded by the landlor is under 7%, the Board has no jurisdiction to intervene unless there has been a reduction in services such as, substantial building deterioration due to landlord neglect. The landlord also has the right to increase the rent according to increases in the consumer price index and to pass on the costs of capital improvements or renovations approved by the Real Estate Board. Finally, the landlord may petition the Board to pass on increased operating expenses (if these exceed increases in the consumer price index) and increased debt service from a new purchase if rents in the building are lower than comparable rents in the area.

Proposition "R" would freeze rents on November 6, 1979, and roll them back to their amount as of November 6, 1978. This base rent could only be increased by the rental component of the consumer price index which is considerably lower than the overall consumer price index figure.

In addition, landlords could also pass on increased costs as of February 1, 1978, but only up to increases in the Consumer Price Index. Only one rent increase a year would be permitted. Finally, although the landlord may petition for individual rent adjustments for many reasons, rent increases cannot be made to cover the increased debt service of a new purchase unless a negative cash flow could not have been predicted by the buyer as a result of the purchase.

Mr. Hesse stated that under Proposition "R", rents would be lower and would stay lower than under the present system. Under both systems, the Boards have considerable discretion in making the policy which determines which increased costs the landlord may pass on to the tenant.

In relation to the HRC's mandate, Mr. Hesse said that increased discrimination against families, mincrity groups and the elderly could result from passage of Proposition "R". Opponents of the measure argue that if money is not a factor in renting housing, landlords will rely on other variables to maximize their investment. These could be the potential wear and tear hazard which could lead to discrimination against families with children, or economic status and job stability which could lead to favorizing the white middle class.

YOUTH AND EDUCATION COMMITTEE

Sister Bernadette Giles, Chairperson
Willie B. Kennedy, Co-Chairperson

Juvenile Delinquency Commission's Program.

Sister Bernadette Giles explained that most issues and programs of concern to the Youth and Education Committee had ground to a temporary halt because of the school strike. As a result, the Committee had branched out into an investigation of the Juvenile Delinquency Commission's Program. There appeared to be shared objectives and room for collaboration between our two agencies. For example, the Juvenile Delinquency Commission is seeking to bring community people back into the schools to implement programs (such as counseling centers) made impossible by Proposition 13, and of great concern to the HRC.

GAY ADVISORY COMMITTEE

Phyllis Lyon, Chairperson.

Resolution reaffirming support for AB 1 (formerly AB 1130); Support for H.R. 2074 and opposing H. Con. Res. 166.
Commissioner Lyon read in full the proposed Resolution reaffirming support for AB I (formerly AB 1130); support for H.R. 2074 and opposing H. Con. Res. 166, and it was
*****m/s/c that it be adopted.

"WHEREAS, the Human Rights Commission has gone on record in opposition to discrimination based on sexual orientation; and
WHEREAS, the Commission has previously endorsed support for California Legislation AB1 (formerly AB 1130); and
WHEREAS, there are currently two bills before our United States 96th Congress, H.S. 2074 and H. Con Res. 166, addressing discrimination policies based on sexual orientation; and
WHEREAS, H.R. 2074 seeks to prohibit discrimination on the basis of affectional or sexual orientation and further seeks to guarantee Civil Rights to those citizens not previously afforded such protection; and
WHEREAS, H. Con Res. 166 calls upon Congress to prohibit and deny a person's protection from discrimination on the basis of homosexual acts and therefore renders such people less than equal in our country of freedom,
NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission reaffirm its support for AB1; and
BE IT FURTHER RESOLVED, that this Commission supports the intent and endorses the passage of H.R. 2074 in order to further proceed in the eradication of discrimination to those people who suffer such denial of their civil rights on the basis of sexual orientation; and
BE IT FURTHER RESOLVED, that this Commission condemns the intent and opposes H. Con. Res. 166 as it seeks to single out and deny individuals of this Country their right for equal protection and more over harbors attitudes which promote the demeaning of a people and seeks to place such people in a less than equal position in our society."

Vacancies on Gay Advisoty Committee.

Commissioner Lyon closed her report by announcing that the Gay Advisory Committee is seeking applicants.

NEW MATTERS

- New Recruits to Police Force.

Commissioner Moulton requested a breakdown by race and ethnic group of the new police recruits that will be entering the force

in the next two weeks.

- Absenteeism Among Standing Committee Members.

Commissioner Moulton expressed her feeling that absent committee members should be asked if they wish to continue to serve. If not, they should be replaced so that vital community interests can be served.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, Nov. 1, 1979 at 9:15 a.m. in the Third Floor Commission Room of the Main Library in the Civic Center. Note that the second meeting in November has been moved from November 22 (Thanksgiving Day) to November 29.

STANDING COMMITTEES

Employment	Thursday, Nov. 1, 1979, at 9:30 a.m., 870 Market St. #675.
Gay Advisory	Tuesday, November 6, 1979, at Noon, HRC Office/Room #509.
Housing & Urban Development	Tuesday, November 6, 1979, at 2:00 p.m., HRC Office/Room #509.
Police Liaison/Social Issues	Wednesday, November 14, 1979, at 2:00 p.m., HRC Office/Room #509.
Youth & Education	Thursday, November 1, 1979, at 3:00 p.m., 1111 Buchanan Street.

NO REMARKS FROM THE AUDIENCE.

ADJOURNMENT.

Respectfully submitted

Grant S. Mickins III
via Vicky Rathbone

GSM/VR/ew

CITY AND COUNTY OF SAN FRANCISCO
Human Rights Commission of San Francisco
1095 Market Street, Suite 501
San Francisco, California 94103

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Nov. 29, 1979

NEXT MEETING: Thursday,
Dec. 13, 1979
Commission Room, Third Floor
Main Library, Civic Center

NOTE...

See under Calendar Matters, Section of these Minutes the schedule of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: **David Yamakawa (presiding), Vernon Alley,** Sister Bernadette Giles, Antonio Grafilo, Mrs. Willie B. Kennedy, Pius Lee, Phyllis Lyon, John Morrissey, Dan Silva, Donna Solomon.

Excused: Lia Belli, Rabbi Alvin Fine, Caryl Mezey, Joan Zamora Moulton, Nadim Zarour.

Commissioner Silva announced his resignation effective this date.

He commended the work of the HRC and its staff.

Staff

Present: Grant Mickins, Jack Casford, Lloyd Cowan, Charlie Lee, Stanley Lim, Joe Meza, Gail Roberts, Essie Thomas, David Treanor.

Director Mickins introduced Ms. Charlie Lee as a new Affirmative Action Officer who will be joining Lydia San Filippo in contract monitoring at the San Francisco Airport.

****NOTE BELOW

COMMUNICATIONS

- From Mort S. Juhl, Authorized Agent, Gust K. Newberg Construction Co. and Huber, Hunt & Nichols, Inc., a copy of a letter to Bayview-Hunters Point Affirmative Action Program responding to a letter of complaints the program sent on Oct. 18 and a subsequent meeting on October 29. This was discribed as an intra-community dispute regarding affirmative action jurisdiction.

****Pledge of Allegiance

Minutes of October 25, 1979 approved. The November 8, 1979 regular meeting was cancelled.

- From Assemblyman Art Agnos, acknowledging the HRC resolution regarding Indochinese and Nicaraguan refugees, and detailing the actions of his office regarding these problems locally.

- From Rudy Nothenberg, Executive Deputy, Program and Fiscal Administration, Office of the Mayor, a copy of a Memorandum sent to top City officials regarding cost reimbursements from Special & Revenue Funds and asking for specific departmental information.

- From Robert C. Harris, Chairman, The San Francisco Foundation, informing that the Distribution Committee has concurred with its staff recommendation not to award $30,900 requested by the HRC for a study of private sector affirmative action plans and their effectiveness.

- From Assemblyman Agnos, urging support for proposals for the City to purchase two lots on Churchill Street in the North Beach area of the City for a public park for the Chinatown/North Beach residents.

**At the request of Commissioner Lee, this issue was referred to the Housing and Urban Development Committee.

- From Helen C. Jones, a copy of a letter sent to Calvin M. Haena, Principal, Galileo High School, objecting to the transfer of a counselor.

- From Mayor Dianne Feinstein, a copy of a Memorandum sent to all boards, commissioners and department heads, regarding implementation of Propositions J & K, approved at the November 6, 1979 local election. Proposition J moves from April 15 to June, the date for the Mayor to submit the budget to the Board of Supervisors and changes the date for Board adoption of the Annual Appropriation Ordinance from June 1 to August 1. Proposition K strikes from the Charter the Calendar of dates currently used for budget submission to the Controller and from the Controller to the Mayor.

- From H. Leroy Cannon, Legal Advisor to the San Francisco Unified School District Board of Education, a copy of a memorandum to Peter Mezey, President of the Board, regarding an amendment to a Board Resolution regarding construction of Sarah B. Cooper School and affirmative action goals of the HRC.

- From Assemblyman Agnos, enclosing fact sheets regarding recent changes in Supplementary Security Income and Medi-Cal and Medicare Programs.

- From Bruce Goaranson, announcing that the Alice B. Toklas Democratic Club will hold a dinner for Police Chief Charles Gain on January 4, 1980 as he leaves the force.

- From Harvey M. Rose, Budget Analyst, Board of Supervisors, a copy of his extensive report/review of the operations of the San Francisco Wastewater Program. Director Mickins quoted from this 67-page printed report.

See Director's Report section of these Minutes.

- From Mayor Feinstein announcing the November 21, 1979 memorial service on the first anniversary of the deaths of Mayor George Moscone and Supervisor Harvey Milk. Members of the HRC staff and Commission attended this noon-time observance, in the Civic Center.

- From Mayor Feinstein, forwarding a copy of a letter from the Citizens Committee for the Reform of the San Francisco War Memorial Board of Trustees complaining that Chapter 12B of the San Francisco Administrative Code-Non Discrimination in Contracts - was violated in the selection procedure for a new managing director of the War Memorial Performing Arts Center, and asking for the HRC's comments. See Director's Report.

- From Robert A.Brisbee, Business Representative, Retail Clerks International Union, Local No. 775, expressing concern about possible displacement of some employees following the awarding of a newstand and gift shop lease in the North Terminal of the San Francisco International Airport.

- From Gilbert Boreman, Clerk, Board of Supervisors, a copy of a Memorandum announcing applications procedures for appointment to the Commission on the Status of Women.

- From Mayor Feinstein, a 38-page Memorandum regarding 1980-81 Budget Preparation Guidelines.

DIRECTOR'S REPORT

- Citizens Committee for the Reform of the San Francisco War Memorial Board of Trustees-Complaint to the HRC.

Mayor Feinstein on November 23 referred this issue to the HRC for "comment on the validity of the allegation" that the Board of Trustees, which hired a private executive search firm to recommend candidates for the post of managing director of the (new) War Memorial Performing Arts Center, failed to "comply with the requirements of Chapter 12B...", and that a contract offered to a candidate, George G. Matson, was null and void.

The Citizens Committee letter is signed by Jean-Antony duLac with seven other persons (named) "and others"

Director Mickins said that he has begun his review of this complaint (Mr. duLac has visited the HRC offices to discuss lodging a complaint of noncompliance). The War Memorial Board of Trustees said, Mr. Mickins is subject to the jurisdiction of the HRC for contract compliance/affirmative action. His preliminary finding is that the Board did not attach a copy of Chapter 12B to the contract entered into with the private executive search firm. Director Mickins has told Mr. du Lac and the Mayor's Office that the HRC's comments on this issue would be completed approximately the first week on December.

- Intergroup Clearinghouse - Jewish Black Community Tensions.

Mayor Feinstein in July of 1979 requested that the HRC call spokespersons from the Black and Jewish communities specifically together to address reported communications tensions between these two groups. The HRC met first August 1 with the Anti-Defamation League of B'Nai B'rith, the Jewish Community Relations Council, and the Conference on Race, Religion and Social Concerns. On August 29, of twenty-seven representatives of community organizations invited to meet at the Commission, eighteen did so. This meeting concentrated on identifying a format for determining mutual interests and concerns for differing groups to work on. At that time the tentative name of Intergroup Clearinghouse was selected.

Director Mickins reported that the Clearinghouse has met four times altogether, the last time November 19. At that time the group considered the draft of a group position statement on the relationship between the Black and Jewish communities to be submitted to the Mayor.

The group did not find, Director Mickins said, any substantive areas of discord locally between the Black and Jewish communities, though there are concerns of a national nature that reverberate here. The group did feel, however, that there was a need to re-state the kind of dialogue that has long existed between these two religious/ethnic minorities in order to promote a closer bond of communication.

Most significantly, the Clearinghouse has decided that there is a need for a broader-based City group (not one just based on Black-Jewish relations), to deal with all ethnic/religious minority intergroup problems.

The Clearinghouse has authorized Director Mickins to complete the position statement and submit it to the Mayor. By Spring, it is hoped, there can be the formative meeting of this recommended "human relations clearinghouse." It is anticipated that such a group would be "satellite" to the HRC, to meet problem areas not already covered by its Standing Committee structure.

- Chairperson Yamakawa asked that each Commissioner receive a copy of the final position staement document.

It was recalled by Commissioner Morrissey that the HRC has in the past held meetings between Arab Third Street merchants and the Hunters Point-Bayview community. Whereas that involved only one neighborhood in the City, the proposed human relations clearinghouse would be Citywide in scope, with representation from all ethnic/religious minority communities.

- THE SMALLWOOD INVESTIGATION

The HRC has completed its investigation of the case of the Commission on the Status of Women termination of its Coordinator Dr. Smallwood. The matter had initially been referred to the HRC on September 11, 1979 by Mayor Feinstein due to the allegations of racism by some members in the proceeding that had taken place. The HRC investigation was conducted by a panel of five Commissioners, (Sister Bernadette Giles, Mrs. Willie B. Kennedy, Caryl Mezey, Dan Silva, and David Yamakawa) pursuant to its jurisdiction under Sections 12A.5 of the Administrative Code, and Section 15A of it's Rules and Regulations. After an earlier meeting with the Mayor, the matter was presented to the COSW in executive session, November 27, 1979. All parties generally termed the report as thorough and fair.

The COSW pledged to consider its findings and recommendations in a continuing effort to resolve the matter. Dr. Smallwood had earlier been reinstated as Coordinator pending the submission of the Human Rights Commission report and findings.

- Report to the Board of Supervisors, First Phase Review of the Operations of the San Francisco Wastewater Program, by Harvey Rose, Budget Analyst, Board of Supervisors, November, 1979.

This 67-page printed report was transmitted by Mr. Rose to the Board of Supervisors November 19, 1979. The transmittal letter states that the review raises serious questions regarding the current design of the Wastewater Program, the availability of

funding for the program, and the Administration of the program. There was widespread media coverage and political reaction to the review in the City.

The HRC is the affirmative action monitoring agency of the City and has significantly figured in monitoring this vast, $2.1 billion, seven-year project to construct and implement a sewer wastewater treatment and disposal program for the entire City.

The HRC was reviewed and audited as part of Mr. Rose's study. Director Mickins read verbatim from the Executive Summary section of the Review, Section 5. Bureau of Government and Public Affairs, Page VII. "The Bureau of Government and Public Affairs is overstaffed and duplicative. We found that:

- The Wastewater Affirmative Action staff is assigned functions which duplicate functions performed by the Human Rights Commission (HRC) and by a private consulting firm hired by the Wastewater Program....

"Because of these findings, we recommend that:

- The Wastewater Program Affirmative Action staff should cease monitoring construction sites on a routine basis.

- The Wastewater Program Affirmative Action division should assume responsibility for helping construction contractors meet workforce requirements established by HRC. This will require working with unions to develop pre-apprenticeship training, and on-the-job training programs for community residents, laborers, and skilled construction workers."

Also read verbatim from the Review: Page 33. "The Bureau of Government and Public Affairs is overstaffed and duplicative. Affirmative Action. With regard to these tasks, our review disclosed the following:

(4) Affirmative Action review is the responsibility of, and is in fact performed by, the Human Rights Commission (HRC) for all Wastewater Program construction and consulting contracts. Extensive conversations with the affirmative action staff indicate that they perceive their primary task as monitoring and spot-checking construction contracts for compliance with minority guidelines established by HRC. The majority of affirmative action funding of $161,509 in the CM budget in FY 1979-80 is allocated to this function. This task is legally the responsibility of the HRC which has four staff members involved in monitoring and spot-checking the Wastewater Program consulting, construction and CM contracts. The duplication of effort on the part of the CM is not justified and is not included in the contract."

Mr. Mickins said he interprets these and other sections of the Rose report as reaffirming that the HRC is the City agency legally bound to do this affirmative action work and that it has been doing so competently.

STANDING COMMITTEES
ADMINISTRATIVE
Donna Solomon, Chairperson

- Committee Report.

1. Proposed Chapters 12A and 12B Changes. The Committee has been informed that a number of amendments and wording changes have been proposed for Chapters 12B and 12C of the City Administrative Code. These are separate and apart from any changes the HRC's Ordinance Revision Committee has been studying. One proposal deals with two words: "recipient" and "handicapped"... The proposal is to change all present ordinance references to "grantee" to "recipient". Also proposed is changing the word "disabled" (this is proposed by the Center for Independent Living in Berkeley, it is understood) to "handicapped." Also proposed is a detailed definition of the word "handicapped."

The HRC's Administrative Committee has asked the Director to write the Governmental Services Committee of the Board of Supervisors to ask that any action of these proposed changes in the HRC's operative Administrative Code chapters (12B and 12C) be postponed until the HRC has had time to study them, along with any others that might be proposed by other groups.

*****Director Mickins said this letter was going off at once.

2. Request for Establishment of Business Development Committee.

Some weeks ago the Black Business Association and Asian, Inc. proposed that the HRC establish, separate from the Employment Committee, a Business Development Committee. This would deal with minority business enterprise. Staff is researching the feasibility of this proposal and a report will be brought to the full HRC in approximately one month.

3. The San Francisco Charter Commission has received the recommendations made by the HRC after research and study by its Ordinance Revision Committee. These included the adoption of a Bill of Rights for San Francisco, which the Charter Commission will be looking into.

The HRC also had taken the formal stance, communicated October 12 to the Charter Commission, that the City Charter should specifically state that there be an HRC. It was announced in November that such a recommendation will be part of the Charter Commission final report. Thus the HRC would join the Police, Fire, Planning, and Civil Service Commissions as a Charter-designated City body.

- Recommended Resolution Designating Two Functional Division of the Human Rights Commission.

Copies of the recommended Resolution and of the organizational chart as proposed for staff operations were provided in the Commissioners. The Administrative Committee had approved their form.

After some discussion of functions specifically (the two functional divisions will be the Office of Dispute Resolution pursuant to Chapter 12A of the Administrative Code, and the Office of Contract Compliance pursuant to Chapter 12B),

It was

*****m/s/c to adopt the Resolution Designating Two Functional Divisions of the Human Rights Commission. The full text of this Resolution is attached to these Minutes.

POLICE LIAISON/SOCIAL ISSUES

John Morrissey, Chairperson; Joan Zamora Moulton, Co-Chairperson

- Recommended Endorsement of Sixth Street Park Project of Glide Memorial United Methodist Church.

Glide Church has bought a lot at Sixth Street and Minna and is currently raising funds through private donations ($50,000 is needed) to build and maintain a park there. The area, according to Glide, has a residency including elderly persons, Pilipino immigrants, and transients with no permanent address and it is in response to their stated need for open space that the project has been launched by Glide. Glide staff will provide maintenance for the park facilities. Trina Henderson, a Glide community organizer, said that some social service agencies will offer direct assistance programs at the park site.

It was

*****m/s/c that the HRC formally endorse the concept of the concept of the Sixth Street Park project of Glide Memorial United Methodist Church.

- Recommended Co-Sponsorship of Martin Luther King, Jr., Celebration.

The HRC has been invited by the Program Committee of the San Francisco Council of Churches to co-sponsor, with the Conference on Religion, Race and Social Concerns, a Martin Luther King, Jr. Celebration observance that will be held on Sunday, January 13, 1980. This will be the tenth anniversary year since Dr. King's death. The Conference already has voted its sponsorship.

The Celebration at this point will consist of a march, rally, and church service at a major black San Francisco church.

It was

*****m/s/c that the HRC co-sponsor with the Conference on Race, Religion and Social Concerns the Martin Luther King, Jr., Celebration planned for Sunday, January 13, 1980.

It was announced that Gary Eberling, a member of the Police Liaison/Social Issues Committee has expreased interest in participating in the planning of this event. A planning meeting is scheduled for November 30 at 944 Market Street.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Willie B. Kennedy, Co-Chairperson

- Shelter Care School - Ms. Connie Benz, Coordinator, Shelter Care School at the former Andrew Jackson School.

Ms. Benz, in explaining the background of City policy towards children who need temporary care (because they have been abandoned or physically or sexually abused by a member of their family) noted that until about ten years ago, the procedure was that while waiting for a court decision on placement, housing was the Youth Guidance Center. This itself was a change from years past when

children needing shelter had to be "farmed out" to relatives or neighbors for care.

Investigation and Evaluation (of child-abandonment cases, for example) is done by Comprehensive Emergency Services teams (one probation officer, and one social worker). If they determine a child is in danger, the child is taken into shelter while the courts decide the placement.

It had been hoped that all children in shelter might be placed in temporary, emergency, foster care homes, but there are not enough such homes available in the City, and they are so widely scattered that it makes it difficult to provide all the social and educational services they need.

Thus, there is now a group homes policy for this temporary physical care. For girls in San Francisco this is at Delphi House, an outgrowth of the Charila Foundation, set up some ten years ago to handle hardcore delinquent girls, and at Florence Crittenton. For boys it is the Eddy Street Boys Home, (Catholic Social Services Agency). The sisters at Presentation Convent house some five youngsters.

All the children thus in shelter can benefit from what Ms. Benz called "dedicated, sensitive staffs", inasmuch as they all are "in crisis"---removed from their homes and from the support systems with which they are familiar and feel the most comfortable.

Shelter Care School, which opened in September of 1979 and to which Ms. Benz, a veteran member of the staff of the San Francisco Unified School District, is under contract as coordinator, occupies rented space in Andrew Jackson School, which is no longer needed by the SFUSD. It is an effort to provide social and educational services to sheltered children in a new way. The school, Ms. Benz said, provides the possibility for a more active involvement by the sheltered child with the people who are working for them. The school can provide a meeting ground for parents or family and the child, under the supervision of a staff member, in cases where the child might be in danger from that parent or family member alone.

Three teachers currently provide elementary, middle, and high school instruction. CETA recreational, security, and instruction aides also are on staff. Since September, the school complement had 92 assigned to it.

The school tries, she said, to keep the children in the most normal setting possible, and in the least restrictive environment. When possible, the children are left in their own schools, but often they have to be removed because of threats to their security from family members or other adults. A maximum of 45 students attend classes at Shelter Care School,currently, as the teacher-pupil ratio is 1 to 15. If more children are placed there, the teaching staff can be increased. Every effort is made to keep brothers and sisters together. Thirty of the 92 child clients in the past 60 days have been brothers and sisters.

The average stay of these children is one month; some stay as briefly as 1 day; some may be there months while complicated court cases are settled. Of the 92, 43 were Caucasian; 32 were black; 11 were Hispanic, 1 was Asian, 1 from Fiji, 1 Samoan, 1 Arab, and the remainder were classified Other White. The 57% minority figure contrasts with the 77% minority rate for the SFUSD. The age range has been 6 to 17; the maximum age is 18.

Both the Department of Social Services and the SFUSD fund the Shelter Care School program. The DSS set up the program, and the District rents it the school, and provides teachers, and supplies. Ms. Benz responded to questions from the Commissioner following her presentation, and was thanked for her appearance before the HRC.

- Committee Report-Commissioner Kennedy.

On November 15, members of the Committee visited the Newcomer High School (for basically English-language training) in the old Pacific Heights School. The principal, Ms. Fannie Jo Peagler, conducted the members on a tour. Students first are tested for their ability to speak, understand, or read and write English, and then have the option of either entering Newcomer or staying in a regular public school. One year is the maximum time a child spends here. Basic high-school-level subjects are reading, English, mathematics, social studies, art, and typing.

The majority of students are Asian; Hispanics are second in number.

Commissioner Giles noted that this center is a mirror of the elementary school work being done in English-language training. Some 375 students can be accommodated, and since the Newcomer Center at Pacific Heights School is full, another junior-high school facility is being used to train some 300 students. Sixteen teachers are on the staff, plus teacher aides. Commissioner Giles said the Committee was impressed with the quality of teaching, the enthusiasm of the students, and the accomplishments of the teachers.

HOUSING AND URBAN DEVELOPMENT
Pius Lee, Chairperson
Antonio Grafilo, Co-Chairperson

- Committee Report.

Postponed to December 13, 1979 meeting of the HRC.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Committee Report: Selection process for GAC vacancy.

The Rev. Jim Dykes of the Metropolitan Community Church recently resigned from the Committee. To fill this vacancy the Committee has:

- Issued a press release for wide distribution to all community organizations to advise of the vacancy and procedures for applying for appointment.

- Requested background information via a resume from prospective members, including a statement of the individual's goals, interests, and goals regarding the Gay Community and the community as a whole.

November 16 was the deadline for applications, which were reviewed at the Committee meeting November 20. Eighteen applications finally were considered by the Committee; one is a woman. Three of the 18 are minorities. Five candidates were selected from this group and interviews with them are being scheduled. The process is to be completed by January.

NO NEW MATTERS

- The next regular meeting of the HRC will be Thursday, December 13, 1979, at 9:15 A.M. in the Third Floor Commission Room of the Main Library. The last scheduled regular meeting is set for Thursday, December 27. If there is no sufficient business for a working agenda, that meeting will be cancelled

- The next hearing on the appeal of North Point Pier, Inc., against a Finding of Noncompliance by the Director will be Thursday, December 20, 1979, at 9:15 A.M. in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, Dec. 6, 1979, at 9:30 A.M. - 870 Market Street.
Gay Advisory	Tuesday, Dec. 4, 1979, at Noon HRC Offices, 1095 Market St. Room 509.
Housing & Urban Development	(No meeting in December).
Police Liaison/Social Issues	Wednesday, Dec. 5, 1979, at 2:00 P.M., HRC Offices, 1095 Market St., Room 509.
Youth & Education	Thursday, Dec. 6, 1979, at 3:00 P.M., 1111 Buchanan St.

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

RESOLUTION DESIGNATING TWO FUNCTIONAL DIVISIONS OF THE HUMAN RIGHTS COMMISSION.

WHEREAS, the Human Rights Commission has since 1966, traditionally operated two divisions pursuant to its mandate under Chapters 12A and 12B of the San Francisco Administrative Code, and designated these two divisions as Community Organization and Employment, and;

WHEREAS, the HRC in 1978 reorganized its priorities and operations to improve staff performance and accountability in complaint handling, mediation and conciliation pursuant to Chapter 12A of the Administrative Code in the area of dispute settlements, and;

WHEREAS, the former designations of Employment and Community Organization are obsolete and no longer descriptive of the HRC's function and responsibility;

NOW, THEREFORE, be it resolved that the Human Rights Commission designate its two divisions as the (1) OFFICE OF DISPUTE RESOLUTION pursuant to Chapter 12A of the Administrative Code, and (2) THE OFFICE CONTRACT COMPLIANCE for the City and County in accordance with Chapter 12B of the Administrative Code, and;

BE IT FURTHER RESOLVED, That all official documents reflect this corrected designation and that all appropriate boards, commissions, departments, and constituent public and private bodies be notified of this change.

Resolution 15-79 / Adopted by the HRC 11/29/79

- From Alice S. Y. Barkley, Deputy City Attorney, requesting that the HRC extend until February 15, 1980 the response time for banks to return HRC workforce questionnaires. The deadline had been December 12, 1979 but Ms. Barkley said that the California Bankers Clearing House Association had informed her office that it intends to legally challenge the HRC's jurisdiction. See Director's Report in these Minutes.

- From Paul C. Chignell, Vice-President, San Francisco Police Officers' Association, expressing praise for the HRC's Annual Report for the calendar year 1978.

- From J. Peter Singer, Deputy Director, San Francisco International Airport, Airports Commission, to HRC Contract Compliance Office-Airport Liaison, Lydia San Filippo, asking that she plan a minority business seminar to encourage greater participation of minority business enterprises in the purchasing activities of tenants at the Airport.

- From J. L. Howard, Director, Western Addition Center for Alcoholic Problems, thanking Director Mickins for his past support of the Western Addition Center for Alcoholic Problems (WACAP), and requesting support for its continued funding.

- From Donna P. Solomon, Executive Director, Residential Rent Stabilization and Arbitration Board, asking that the HRC study evictions in the Municipal Courts. The study is in response to evidence that eviction rates have risen since the passage of the Residential Rent Stabilization and Arbitration Board Ordinance in June of 1979. This ordinance contains a "vacancy decontrol" factor, which means that rent increase controls are removed when a housing unit becomes vacant and landlords have no limits on the rents they can ask for new tenants. Ms. Solomon said that the details and emphases of the study will be decided later by the HRC and the Rent Board.

It was announced that Matthew Cohen a San Francisco State University student intern with the HRC, would be assigned to this study. He will be under the direction of Don Hesse, the HRC's Housing Representative. Mr. Hesse responded to Commissioner Morrissey's inquiry about staff time demands of this study by saying Mr. Cohen had already begun this type of study before the Solomon request. He stressed that it was anticipated that amendments would be offered in the future to the Rent Board ordinance, and that, further, the HRC was asked to do such a background study as a neutral, noninvolved third party.

- From Donna P. Solomon, a copy of her formal resignation letter to Mayor Dianne Feinstein of December 12, 1979. Commissioner Solomon said that her resignation was due to the conflict that has arisen by her appointment as Executive Director of the Residential Rent Stabilization and Arbitration Board. She praised the work of Grant Mickins and the HRC staff.

- Director Mickins also announced that Commissioner Fine, a founding member of the HRC (1964), notified him informally, that he will submit his resignation in January of 1980. Director Mickins referred to Commissioner Fine as the dean of the HRC who, he said, would take with him "the wealth and history of this Commission and the civil rights movement in San Francisco."

DIRECTOR'S REPORT

- Citizens Committee for the Reform of the San Francisco War Memorial Board of Trustees---Complaint to theHRC Regarding Hiring of Performing Art Center Managing Director-Status Report.

This issue was referred to the HRC by Mayor Feinstein November 23. A summary report was made to the HRC by Director Mickins November 29.

Director Mickins read from his December 11, 1979 letter to Mayor Feinstein. (The Citizens Committee has filed a separate complaint with the HRC, signed by Jean-Antony du Lac and seven other persons). On the question of whether Chapter 12B, the City's Nondiscrimination Ordinance which the HRC implements, was attached to a written contract between the War Memorial Board of Trustees when it retained an executive search firm, Heidrick and Struggles, Inc., Mr. Mickins wrote the Mayor that "there is no penalty set forth in Chapter 12B for failure to attach a copy of 12B.1", and that although Heidrick and Struggles made its offer in writing, the acceptance by the Board was oral, "which is the reason given why the 12B requirement was overlooked". The HRC concern, he wrote, has been on whether the failure (to attach Chapter 12B) was willful or unintentional.

From Mr. Mickins's concluding paragraph to the Mayor: "Our prior experience with City departments, including the War Memorial Board, is that they have regularly attached Section 12B.1 to its contracts as required. Since the work has been completed under the contract, it is too late to incorporate Section 12B.1; however, I am compelled, in view of this lapse in procedure, to remind the War Memorial Board of the Chapter 12B requirement."

In addition, Mr. Mickins wrote to Frederic Campagnoli, President of the War Memorial Board of Trustees, on December 11, citing his report to Mayor Feinstein. He said that his review of the issue indicates that the Board failed to follow the requirements of Chapter 12B.1, and that the Board in the instructions to the executive search firm neither directed the firm to discriminate or not to discriminate. Further, he wrote, "...failure to include Chapter 12B.1 represents a serious harm to the rights of those protected classes whom the ordinance was designed to protect.

- As to the charge by the Citizens Committee that the Board's contract (for searching for a managing director for the new Performing Arts Center) with Heidrick and Struggles, Inc., was "null and void" because the Chapter 12B.1 was not attached, the City Attorney informed the HRC that Chapter 12B as it now reads contains no such proviso.

- Director Mickins said he felt that the HRC should think about amending Chapter 12B as it now stands in order to incorporate a penalty proviso that Chapter 12B must be attached to all written contracts let by City departments.

- Appeal Hearing-North Point Pier, Inc. (dba)-Respondent North Point Center, Inc. and Pier 39 on a Finding of Noncompliance by the HRC.

A continued appeal hearing in this case (a Director's Finding of Noncompliance with the HRC's Chapter 12B ordinance against this company which built and operates a tourist/commercial complex of shops and restaurants on Pier 39 on the City's Embarcadero), has been set for Thursday, December 20, 1979 at 9:15 a.m., in the Commission Room of the Main Library.

Director Mickins reported that there are "strong" indications from Steven Herman, North Point's attorney, to him that they may seek a settlement in the case. No details are available at this point.
*****Chairperson Yamakawa asked that if Director Mickins and the respondent come to an agreement and the Director can recommend HRC approval of a settlement, then the December 20th appeal hear-

ing can be cancelled and the Director's recommendations be made at a regular HRC meeting.

- Deputy City Attorney Alice S. Y. Barkley Letter Requesting Extension of HRC Response Time for Return by Banks of Recruitment, Hiring and Training Practices Questionnaire.

This letter was read in full by Director Mickins. It asks that the December 12, 1979 deadline for response by the banks be extended to February 15, 1980. It informs that an attorney for the California Bankers ClearingHouse Association has told the City Attorney's Office that the association intends to litigate based on the position that the HRC is acting without jurisdiction in the issurance of the questionnaire.

Mr. Mickins said that he had be advised recently that the banks would be objecting to the HRC's monitoring of their compliance with affirmative action requirements under Chapter 12B, on the primary grounds that such work is pre-empted by the State Labor Code 1431. He also had been previously informed that the banks intend to challenge the HRC jurisdiction legally based upon Bakke and other decisions.

Mr. Mickins read from a letter written to him on October 19, 1979 by David A. Garcia A.,Executive & Legal Affairs Secretary, Fair Employment Practice Commission. Mr. Mickins had asked about the effect of Labor Code Section 1431 on the HRC. Mr. Garcia A. wrote that "...it is apparent that Labor Code 1431 does not either supersede or preempt local contract compliance efforts. Indeed, the Labor Code provides for continuing efforts on the part of municipalities and other local awarding agencies." Further, "Moreover, simply having a plan in effect which meets the local standards in no way precludes the locality from reviewing for compliance with the plan."

Portions of Labor Code Section 1431 went into effect July 1, 1979, said Mr. Mickins. He then read sections from Labor Code 1431 pertinent to the role of local and municipal ordinances.

It is understood that Ms. Barkley will want to discuss this issue and all its ramifications in Executive Session with the HRC in January, Mr. Mickins said. The announced intentions of the banks to make a legal challenge to the HRC's jurisdiction he sees as a major attack for the HRC in carrying out its work on City contracts.

STANDING COMMITTEES

POLICE LIAISON/SOCIAL ISSUES
John Morrissey, Chairperson
Joan Zamora Moulton, Co-Chairperson

- Proposed Resolution Urging Protection of Patients' Rights in San Francisco City and County Mental Health Service Facilities-Commissioner Belli.

The issue of patients' rights implemented as policy of San Francisco Mental Health Service facilities came to the HRC through Commissioner Donna Solomon, who referred a letter and proposed resolution from the Bay Area Committee for Alternatives to Psychiatry to the Police Liaison/Social Issues Committee in August of 1979. Having decided the HRC did have jurisdiction on this

issue, the Committee held three meetings in as many months before bringing forth the recommended Resolution to the HRC.

Wade Hudson and Leonard Roy Frank (Mr. Hudson is the Coordinator) of BACAP, and Dorothy A. Stapp, Special Projects Officer, Community Mental Health Services, and Michael Reiter, Clinical Pharmacologist of the Department of Public Health and a member of the Ad Hoc Committee on Psychotropic Drugs. attended the Committee meeting October 3, and participated in a long discussion on the use of psychotropic drugs and patients' rights regarding treatment using these drugs.

In November, the Committee considered further written materials from both parties to the subject. A proposed Resolution was drafted, submitted again to both parties for written reactions, and completed and adopted for recommendation to the full HRC meeting, BACAP issued a press release on December 11 announcing discussion of the issue/resolution, and a statement addressing the general subject of the use of psychotropic drugs.

Messers Hudson and Frank and Ms. Stapp were present, on Committee invitation, at this HRC meeting.

Commissioner Belli stated that the Committee was understanding of and sympathetic to the realities of Department of Public Health financial and administrative strictures, but that it felt the HRC had an obligation totake a public position on patients' rights, particularly what is called "informed consent" to the administration of certain drugs, called psychotropic drugs, which alter consciousness, and some of which affect the central nervous system. The proposed resolution also stressed that all patients be informed about the primary purpose and possible side effects of psychotropic drugs and, in the case of involuntary patients, if consent was not obtained, that the case record show why not.

Commissioner Mezey inquired about the possible inclusion of provision for family consent, in cases where patients are incapable of making decisions about treatment.

Ms. Stapp said that patients under the age of 13 must have parental or guardian consent to any drug treatment. She said also that at San Francisco General Hospital every effort is made to involve the family or guardian if they are present at time of treatment.

Ms. Stapp said, in answer to an inquiry from Commissioner Morrissey, that there are basically four kinds of drugs: anti-psychotic, anti-depressant, anti-manic, and anti-anxiety (Valium and Librium, minor tranquillizers). They are treatments she said, but in no sense cures for patient problems.

In the discussion regarding the rights of consent for voluntary versus involuntary patients, addressed specifically in the proposed Resolution, it was brought out that the California Administrative Code regulation (Title 9) is expected to be adopted by the State Department of Mental Health in January

of 1980, and that it will include provision for written consent for voluntary patients regarding psychotropic drug treatment.

Vera Haile, a member of the Police Liaison/Social Issues Committee who helped draft the proposed Resolution, pointed out that it was the omission of reference to involuntary patients in the proposed State regulations that led to their inclusion in the proposed HRC Resolution. The Committee, she said, felt that there was a basic human rights factor about the right of all persons to understand to the best of their ability what medication they are being given and why.

After some discussion as to the effect, if any, of the proposed Resolution stance on written informed consent might have on the State regulations under Title 9 of the Administrative Code, and whether action should be postponed until such regulations were adopted, the issue was summarized by Commissioner Mezey as follows:

- The HRC was not being asked to make a medical decision

- The HRC was not being asked to ban the use of psychotropic drugs

- The HRC was being asked to make sure that patients are informed of the possible side effects of drugs about to be administered or that they might have if they are voluntary patients.

Wade Hudson of BACAP was invited to make a statement to the HRC. He said that BACAP would commend the HRC for passing the Resolution which he called "a step forward". He claimed that written information about the effects of psychotropic drugs presently is not distributed. Mr. Hudson said that "forced drugging is an invasion of another person's mind and body,a kind of assault". Mr. Hudson said there was great difficulty in what he called "setting up a mechanism to control the bureaucracy" that administers drugs. Three hundred million psychiatric drug prescriptions are issued annually in the U.S. he said. Mr. Hudson said the solution (to control over what he called "forced drugging"), is "not to give doctors dictatorial, automatic power to do whatever they think is best".

It was

*****m/s/c that the HRC adopt the Resolution Urging Patients' Rights in San Francisco City and County Mental Health Service Facilities. The full text is attached to these Minutes.

EMPLOYMENT
Vernon Alley, Chairperson
Caryl Mezey, Co-Chairperson

- Policy Statement on Sexual Harrassment.

This presentation, which include a statement by the person who brought the issue to the Committee, was postponed to the HRC meeting of January 9, 1980.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Reported Acts of Violence-Update.

- This report was postponed to the HRC meeting of Jan. 10, 1980.

HOUSING AND URBAN DEVELOPMENT
Pius Lee, Chairperson
Antonio Grafilo, Co-Chairperson

- Committee Report - Donald Hesse, HRC Housing Representative.

1. Rent Stabilization and Arbitration Board. The HRC has a great interest in this body, especially since it represents the strongest commitment City government has thus far made in the area of the housing problems of the poor, according to Mr. Hesse.

The HRC has met with the Board and made a number of suggestions:

a. That information about it be in the several primary languages other than English in the City.

b. That efforts be made to publicize and increase public knowledge of the Board and its services. This effort is being made.

Mr. Hesse said that in the first four months (July - Oct.) of the existence of the Rent Board the majority of complaints unexpectedly had come from the Twin Peaks residential area (middle to upper-income) rather than from low-income, impacted minority areas: Hunters Point (1 complaint), Chinatown (0 complaints), and the Mission and Western Addition. One explanation offered has been that the middle and upper-income areas have residents who have the means to hire legal representation, and that they also have more confidence in demanding that the City protect their rights. These facts also have been brought to the attention of the Rent Board by the HRC in stressing the need for wider dissemination of information about the Board's Services.

One explanation for the lack of community response (complaints) in Chinatown and the Mission District may be that many households have members who are undocumented workers in this country, for whom there is personal anxiety in making a complaint to a governmental agency.

2. Study of Evictions for the Rent Board. This was discussed earlier (see Communications section of these Minutes), and Mr. Hesse referred again to the "vacancy decontrol" provision of the present Rent Ordinance, by which a landlord has no limitation on rents that can be charged when a unit becomes vacant. Mr. Hesse reminded the HRC that the Mayor and the Board of Supervisors last November did oppose Proposition R, a rent control measure, on the grounds that the City already had an effective ordinance in this field. But the above provision in the present Rent Board ordinance has been followed, it is charged, by an increased number of evictions by landlords in the City. Amendments to the present ordinance are anticipated, which is why the HRC was asked to do this preliminary study.

3. International Hotel Site

A cause celebre in the City for a number of years, the old International Hotel issue of low-income housing for elderly

minorities in Chinatown versus developer plans for demolition and construction of new structures involved HRC staff and members for many years in the 70's. The structure has now been demolished. A citizens committee was appointed recently by the Mayor to study and make recommendations for use of this site, on a block bounded by Kearny Columbus, Washington and Jackson Streets on the eastern edge of Chinatown. This group has asked for an extension on their study time, but initially it haa proposed:

a. That the City buy the whole block, not just the Kearny Street frontage where the old hotel stood.

b. That the City, however, initially acquire this Kearny Street frontage for low-income housing for the elderly and families to the extent it can be "put together" with federal financing. It is understood, Mr. Hesse said, that the Kearny Street frontage is available for acquisition by the City, which would not have to exercise involuntary eminent domain.

It is also believed that if developed for low-income and family residency, the site would have to have commercial ground or first-floor space and up to four floors of off-street parking.

Commissioner Lee (who was not present at this HRC meeting) has asked that the citizens advisory group recommendations be brought back to the Housing Committee before they are sent to the Mayor.

4. Fair Housing for Children Ordinance.

San Francisco was the first city in the state to pass such legislation, which prohibits discrimination in housing sales or rental against families with children. Senator David Roberti of Los Angeles has introduced Senate Bill 440, which would provide this safeguard statewide. The HRC has previously endorsed this measure, which is due for a floor vote in January of 1980.

The cities of Santa Monica and Los Angeles in the past thirty days have passed similar fair housing for children ordinances, Mr. Hesse reported.

5. Rental Unit Demolition/Conversion Prohibition.

The Board of Supervisors recently passed an ordinance that prohibits for six months the demolition of rental housing and/or conversion of it into uses other than rental housing. The City Planning Department is to make a study of the problem. This legislation is in part a response to the high incidence of conversion of permanent-resident rental hotels to tourist or daily-basis hotels. This inevitably forced out many elderly, low-income persons who in San Francisco live on a month-to-month basis in residential hotels.

POLICE LIAISON/SOCIAL ISSUES

- Proposed Statement on Iranians' Rights in San Francisco.

Copies of this proposed Statement, adopted by the Committee, were provided in advance of this meeting. The Statement was discussed and quoted from the Commissioner Belli. The Committee felt that it was appropriate that there be no relaxation of vigilance for the protection of basic democratic principles, since there continue to be pressures for and actual incidents of harassment and other violent private and public behavior towards persons who are

Iranian, and even some who only appear to be Iranian.

It was then
******m/s/c that the HRC adopt the Statement Urging Continued Respect for and Protection of the Basic Human Rights of Iranian People---Students or Others---living in the City and County of San Francisco. The full text is attached to these Minutes.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson
Willie B. Kennedy, Co-Chairperson

- Committee Report-Commissioner Kennedy.

Programs for the Educationally Handicapped and Educable Mentally Handicapped.

Theodore Scourkes, Coordinator of the San Francisco Unified School District's Special Programs and Services office: Mrs. Grace King, a leader of the Referral Sources Assessment Team; and Ms. Graciela Spreitz, Program Manager, Special Education Instructional Services, were guests at the December 6 meeting of the Committee.

Their presentation was in response to Recommendations on Programs for the Disabled adopted by the HRC on June 5, 1978. There were seven recommendations, and the guests reported on progress made by the SFUSD in implementing them. HRC work in this area dates back to 1975, when an in-depth staff report was made on the subject on October 9.

Commissioner Kennedy said that many of the recommendations had been acted on. One continuing point of concern, she said, is that there still is a disproportionately large concentration of Black children in these special programs and the District has not yet been able to determine the reasons for this. Intelligence Quotient (IQ) tests have not been given since 1972.

Currently there are some 300 students in the Educable Mentally Handicapped (E.M.H.) classes, while there are approximately 2,400 students in Educationally Handicapped (E.H.) programs. And E.H. student is one with a learning disability, or with a discrepancy between the student's ability and achievement.

Commissioner Giles reviewed the following HRC recommendations and followup from 1978:

1. That the SFUSD...prepare teachers who will have disabled pupils in their classes. This took place in in-service training for these teachers, she said.

2. That SEARCH AND SERVE information circulated to parents and the community be printed in the dominant languages. This, too, was done in Chinese, Spanish, and Tagalog.

3. That the waiting list of pupils needing the services of speech clinicians be monitored to ensure that no pupil be obliged to wait one semester or longer for services. There are still waiting lists, Commissioner Giles said, because there are not enough qualified teachers available for this special clinic work.

4. That classroom facilities used by disabled pupils be adequate. An effort has been made to provide classrooms and to place classes where they were conducive to the best interest of disabled children.

5. That the impact of the Educational Redesign plan in the District on disabled students be monitored throughout the 1978-1979 school year. Commissioner Giles says there are two demands on the District, those from parents who wish their children to be in "mainstream" regular classes, and those who want them in special classes.

6. The recommendation that programs for disabled adults over 21 be made available was not discussed at the Committee meeting. These programs are the responsibility of the Community College District.

- School Suspensions.

It was announced that the federal Emergency School Aid Act (ESAA) program has included in its regulations the requirement that each school district receiving ESAA monies for middle and high schools give special attention to suspensions, and that annual funding proposals include their work in this field, with appropriate statistics and recommended alternatives. The HRC's 1977-78 Report on Suspensions and its recommendations were incorporated into the San Francisco Unified School District's ESAA most recent funding proposal, according to Victor Rossi, Coordinator, Office of Special Funded Projects.

NEW MATTERS

- Nominating Committee for HRC Officers for 1980.

Chairperson Yamakawa asked Commissioners Alley, Belli, Kennedy, and Lyon to serve on this committee and to name a chairperson.

The Nominating Committee was asked to report its recommendations for Chairperson and Vice-Chairperson of the HRC for the 1980 calendar year.

CALENDAR MATTERS

- The December 27, 1979 regular meeting is cancelled.

The next regular meeting of the HRC will be Thursday, Jan. 10, 1980 at 9:15 A.M. in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thurs., Jan. 17, 1980, 9:30 A.M., HRC Offices, 1095 Market Street, Room #509. NOTE Not 870 Market on Jan. 3.
Gay Advisory	Tuesday, Jan. 8, 1979, Noon HRC Offices, 1095 Market St., Room #509.

Housing and Urban Development	To be announced.
Police Liaison/Social Issues	Wednesday, Jan. 9, 1980, 2:00 P.M., HRC Offices 1095 Market St., #509.
Youth & Education	Thursday, Jan. 17, 1980, 3:30 P.M., 1111 Buchanan St.

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM/JC/ew

STATEMENT URGING CONTINUED RESPECT FOR AND
PROTECTION OF THE BASIC HUMAN RIGHTS OF
IRANIAN PEOPLE STUDENTS OR
OTHERS LIVING IN THE CITY
AND COUNTY OF SAN FRANCISCO.

The Human Rights Commission wishes to add its official voice to those of other community groups in urging that all persons in the City and County of San Francisco by their actions re-affirm this country's civil rights protections as they apply to Iranians, be they students, visitors, or permanent residents.

In this time of continuing high emotion over the actions of others thousands of miles away, we call on all Americans to guard against any discriminatory actions that would deprive Iranians of those rights and liberties that we assure for any and all minorities, be they national, religious, ethnic, or ideological/political.

Attacks or acts of discrimination against any person because of his or her ancestry or national origin should be specifically rejected, especially as only violators of our local, state, and national laws can be charged under our legal system.

Let us have reason and calm to contrast with riot and inflammatory rhetoric; let us not descend to lawlessness nor injustice to assuage frustrations and resentment.

The HRC believes firmly that this crisis will one day be resolved, and that San Franciscans will want to be judged as having been fair and true to their democratic principles when their feelings were tried severely.

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Adopted by the HRC
December 13, 1979

JC:ew

CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
1095 MARKET STREET
SUITE 501
SAN FRANCISCO, CALIFORNIA 94103
TELEPHONE 558-4901

RESOLUTION URGING PROTECTION OF PATIENTS' RIGHTS IN SAN FRANCISCO CITY AND COUNTY MENTAL HEALTH SERVICE FACILITIES...

WHEREAS, there is demonstrated community concern, both by private and public agencies,.for the basic human rights of patients in San Francisco City and County mental health facilities; and

WHEREAS, there is particular concern over the administering of psychotropic drugs, which alter consciousness, and some of which affect the central nervous system; and

WHEREAS, the Police Liaison/Social Issues Committee of the Human Rights Commission has heard testimony and studied background materials regarding policies now in effect for patients of San Francisco City and County mental health service facilities;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission urge that all San Francisco City and County mental health service facilities expand their present policy of distributing to all patients the Patients' Rights Handbook, and informing them of the availability of Patients' Rights Advocacy Service, by further informing each patient about the primary purpose and the possible side effects of psychotropic drugs recommended by staff, and his or her right to refuse and;

BE IT FURTHER RESOLVED, that the Human Rights Commission urge that specific and appropriate enforcement mechanisms be adopted by the San Francisco Department of Public Health to assure as far as possible the basic patient rights of information and formal consent. These should include:

1. After medical counseling, consent forms to be signed by all patients, such forms to follow the model proposed for Title 9 of the California Administrative Code, Subchapter 4, Community Mental Health Services; Article 5.5 Voluntary Patients' Rights to Make an Informed Decision About Treatment with Anti-psychotic Medication. In cases where an involuntary patient's written consent is not obtained, staff should make a written record for the case file of why not.

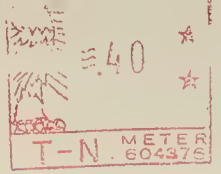
2. Inclusion of all patient consent forms in their medical case records.

3. Periodic review of medical case records on all administrative levels to assure that such consent forms are retained.

Resolution 16-79
Adopted by HRC 12-12-79

sas
12-18-79

CITY AND COUNTY OF SAN FRANCISCO
Human Rights Commission of San Francisco
1095 Market Street, Suite 501
San Francisco, California 94103



THIRD CLASS MAIL

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